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Wednesday, 21 November 2001, 10.30 a.m.
New York

President:	Miss Durrant	(Jamaica)
Members:	Bangladesh	Mr. Chowdhury
	China	Mr. Wang Yingfan
	Colombia	Mr. Valdivieso
	France	Mr. Doutriaux
	Ireland	Mr. Corr
	Mali	Mr. Kassé
	Mauritius	Mr. Koonjul
	Norway	Mr. Brattskar
	Russian Federation	Mr. Karev
	Singapore	Mr. Mahbubani
	Tunisia	Mr. Mejdoub
	Ukraine	Mr. Kuchinsky
	United Kingdom of Great Britain and Northern Ireland	Mr. Eldon
	United States of America	Mr. Cunningham

Agenda

Protection of civilians in armed conflict.

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01-65181 (E)

The meeting was called to order at 10.50 a.m.

Adoption of the agenda

The agenda was adopted.

Protection of civilians in armed conflict

The President: In accordance with the understanding reached in the Council's prior consultations, and in the absence of objection, I shall take it that the Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Kenzo Oshima, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator.

It is so decided.

I invite Mr. Oshima to take a seat at the Council table.

The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

At this meeting, the Security Council will hear a briefing by Mr. Kenzo Oshima, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator.

Members of the Council will be aware that this meeting is taking place against the background of the letter dated 21 June 2001 from the President of the Security Council addressed to the Secretary-General (S/2001/614), following the open debate on the protection of civilians in armed conflict held on 23 April 2001. In that letter, the members of the Council indicated that they would welcome a briefing by the Secretariat on the status of the initiatives outlined in the letter.

I therefore give Mr. Oshima the floor.

Mr. Oshima: I would like to thank you, Madam President, and the members of the Council for inviting me to brief the Council on the implementation plan for the protection of civilians in armed conflict.

Despite the growing attention paid, including in the media recently, to the fate of civilians caught in armed conflict, the reality faced by millions of civilians around the world is a grim one. The situation in Afghanistan, for example, highlights many of the issues and challenges addressed in the Secretary-General's report on the protection of civilians in armed conflict, such as the issue of humanitarian access to vulnerable populations; the special protection needs of women and children; safety, protection and security in camps for internally displaced persons; engagement with armed groups for access negotiations; civil and military relations in the delivery of humanitarian aid; separation of civilians and combatants in camps for internally displaced persons and refugees; and the security and safety of humanitarian personnel. These and other issues dealt with in the Secretary-General's report on the protection of civilians in armed conflict are, in fact, the daily problems faced in the situation of Afghanistan today.

The Secretary-General's two reports on the protection of civilians in armed conflict, submitted to the Council in September 1999 and March 2001, contain 54 recommendations with respect to these and other, related problems. In a letter of June 2001, the President of the Council suggested to the Secretary-General several initiatives to move these recommendations into action.

The initiatives suggested cover three main areas. The first involves a reorganization of those 54 recommendations by the Secretariat, in collaboration with the Security Council, into different groups, with the aim of clarifying responsibilities, enhancing cooperation and facilitating implementation; I would like to refer to this reorganization of work, for convenience's sake, as a road map. Secondly, the Secretariat was asked to draft an aide-mémoire to facilitate consideration by the Council of issues pertaining to the protection of civilians in the design and planning of peacekeeping mandates. Thirdly, the Council encouraged the Secretary-General to further ensure closer cooperation between my Office — the Office for the Coordination of Humanitarian Affairs (OCHA) — and the Department of Peacekeeping Operations on the protection of civilians.

The Secretary-General welcomes the opportunity to develop this implementation plan. I am pleased to report this morning that all the suggestions mentioned are in various stages of development.

Let me elaborate on the progress made so far on the three proposed initiatives.

First, the aim in developing the road map is to reorganize the Secretary-General's recommendations

into different themes, then identify responsible institutions for implementation and define the necessary steps, including the steps for cooperation and coordination. For this purpose, my Office, in consultation with interested Member States and various agencies, is in the process of creating a matrix, or implementation chart, to elaborate on needed action for the implementation of the recommendations. We intend to include the final outcome in a comprehensive report to be submitted to the Council in November 2002. The matrix will list thematically the recommendations and relevant provisions contained in resolutions 1265 (1999) and 1296 (2000) while, of course, identifying the responsible institutions, including the Security Council, the General Assembly, Member States, the Secretariat and others, such as regional organizations, the private sector and civil society. We hope that this exercise will eventually contribute to enhancing the implementation of the recommendations at the legislative, executive and operational levels.

To assist in the preparation of the road map, my Office has organized thus far three workshops, in which interested Member States, the Secretariat, agencies, the International Committee of the Red Cross, non-governmental organizations and various experts have participated. In this connection, I would like to express my gratitude to the Government of Norway for providing the necessary financial support to hold these workshops.

I would like to highlight some of the points raised during the discussions in the workshops.

Concerning legal protection, for example, the participants called for greater specificity with regard to State obligations under international humanitarian, refugee and human rights laws. It was suggested that Member States could exchange information about their best practices to provide guidance for other States and to reinforce the success of initiatives. Participants called upon the United Nations to provide capacity-building assistance in States where implementation and enforcement capacity is inadequate. High priority was attached to establishing the International Criminal Court and moving away from ad hoc tribunals while bolstering national justice systems. Funding in this regard was identified as a major problem in post-conflict situations in which the national justice system has collapsed. More secure funding from assessed contributions was suggested as a solution.

On the issue of internally displaced persons, the importance of operationalizing the guiding principles concerning internally displaced persons through training, mainstreaming and assistance programmes was stressed in the course of the discussion. The effective implementation of these programmes will, again, require increased donor support. The frequent lack of funds often results in lost opportunities and dangerous setbacks.

As regards peacekeeping, the workshops noted that so far, in most instances, peacekeeping mandates do not include the protection of civilians in armed conflict. Many participants cited insufficient political will as one of the reasons. It was widely agreed that mission planning for peacekeeping operations would benefit from the perspectives of humanitarian workers, as they have often been on the ground for years and could contribute essential information and analysis regarding the protection of civilians. To change the realities on the ground, sometimes peacekeeping operations need robust mandates from the Security Council.

These are some of the points highlighted in the course of the workshops.

This leads me to my second point: the issue of the aide-memoire process. This is meant to be a checklist to ensure that the issues of protection of civilians are systematically taken into consideration in establishing, changing or closing peacekeeping mandates.

Working closely with the Department of Peacekeeping Operations and humanitarian and human rights agencies, my Office has prepared a list of key issues to be considered by the Council. The list is currently being shared informally with interested Member States for comment. We would like to propose that a half-day, expert-level discussion with members of the Council be organized to review the aide-memoire sometime next year, perhaps in January or February.

I would like to move on to the third initiative, which concerns steps to ensure closer coordination between my Office, OCHA, and the Department of Peacekeeping Operations. The Secretary-General welcomes the opportunity to develop a cross-cutting team composed of representatives from the Department of Peacekeeping Operations and OCHA in order to facilitate due consideration of issues related to the protection of civilians in the design, planning and

implementation of peacekeeping operations. To that end, my Office is developing a strategic paper, which will be brought to the attention of the members of the Executive Committee on Humanitarian Affairs and the Inter-Agency Standing Committee for further development and action.

While the primary responsibility for the protection of civilians rests with Governments, it is important that we reach beyond traditional lines and create synergies between a wide range of actors. This will require the commitment and cooperation of Member States, regional organizations, international and domestic non-governmental organizations, the media, the private sector and academia.

My Office is committed to continuing in close consultation with the Council to develop an implementation road map and the aide-memoire. We will also seize the opportunity to establish a cross-cutting mechanism between OCHA and the Department of Peacekeeping Operations. I look forward to coming back to the Council in a few months with additional information on the status of these initiatives.

The President: I thank Mr. Oshima for his briefing on the initiatives taken in follow-up to the letter from the President of the Security Council addressed to the Secretary-General on 21 June 2001.

As the purpose of this meeting was to hear the briefing by the Under-Secretary-General, there is no list of speakers for this meeting. I would therefore invite those members who have questions to address to Mr. Oshima to so indicate.

Mr. Kuchinsky (Ukraine): I would like to thank through you, Madam President, Under-Secretary-General Kenzo Oshima for his succinct yet informative briefing on the status of implementation of the initiatives set out in the letter of the President of the Council of 21 June 2001.

Without repeating our position on the topic of civilians in armed conflict — I think that yesterday's debate covered many of the issues pertaining to this important problem in general — I wish to ask Mr. Oshima a few questions.

First, we would appreciate it if Mr. Oshima could provide us with an update on the issue of the development of a manual of best practices for engagement with armed groups. We should recognize that when it comes to non-State actors and the problem of their engagement in a dialogue, there is probably no satisfactory solution at the moment, especially in situations where armed groups operate not as an organized military force with clear political objectives, but rather as gangs of criminals profiting from the lack of security and general instability. As far as I know, an effort has already been made to address this issue in some form or another. What, in fact, has been done in this regard by the Inter-Agency Standing Committee?

My second question concerns the identification of armed elements and their separation from civilians in refugee camps and camps for internally displaced persons. I recognize that perhaps this question would be better addressed to the Office of the United Nations High Commissioner for Refugees or the Department of Peacekeeping Operations. Still, I would like to know if you have some information and if you could tell us whether anything is being done in this direction, and whether there have been criteria or procedures developed and applied for this purpose.

Mr. Mahbubani (Singapore): I join Ambassador Kuchinsky in thanking Mr. Oshima for his briefing. Madam President, you have told us that in this meeting we will not make any statements but have a question-and-answer session. In that spirit, I would like to make three points — my questions will be rolled into three points.

The first point is that, as I was reading very quickly the statement that I gave on this subject in April of this year, I recalled that I quoted paragraph 67 of the Secretary-General's report, which said as follows:

> "Some 18 months have passed since I submitted my first report on the protection of civilians in armed conflict. I regret to note that only a few of its 40 recommendations are so far being implemented." (*S/2001/331, para. 67*)

This is a statement the Secretary-General made earlier this year. Has the situation improved since then in terms of the actual implementation of the recommendations? I make this point because the trouble that we have on this issue is that we produce thousands of words on the protection of civilians, the protection of children and the protection of women. But it is very difficult for us to find out whether or not these words actually make a difference in terms of deeds on the ground. The most specific question I have is, when we next meet to review this subject, can we

get some kind of concrete information on what I call "trend lines"? Are we moving towards a situation in general where there is greater protection for civilians in armed conflict or — if we look at the statistics and what is happening in actual conflicts, whether in Sierra Leone, Angola, Afghanistan or wherever — are more civilians really being harmed, injured or killed? What is the trend line? I think we need to have that the next time we meet because unless we have this data, we have no way of measuring whether or not our words are having any impact. I hope that Mr. Oshima will enlighten us as to whether it is reasonable or unreasonable to request more specific indicators when we next discuss this issue.

My second point is related to the first point. Yesterday, we had a very good discussion on the protection of children in armed conflict. We have had discussions on women and peace and security. We have talked about conflict prevention. You do not have to be a rocket scientist to figure out that there are common points made in each of these debates. In a sense, we are repeating points on the protection of children and on the protection of civilians. Can we do something useful and constructive — try to cluster these recommendations that we have so that we do not have to repeat them four times, at every debate? There would also be some degree of cost-saving because perhaps we do not need four different debates, four different reports and four different discussions. Frankly, from the point of view of the smaller Missions to the United Nations, we do not have to maintain four different files that basically repeat the same points on these issues. So, in the process of preparing the aide-memoire or preparing the reports or in the workshops, I wonder if we can see whether there are some common traits that we can pull together and then say that it is very clear that there are some common themes that come out in all these reports. If this can be provided to us, it would enhance our work enormously, especially when we review this in November 2002, as Mr. Oshima said.

My third point concerns the whole issue of non-State actors. Yesterday we heard a very moving statement from a young boy from Sierra Leone named Alhaji Babah Sawaneh. Listening to him, it is very clear that for someone like him there was no choice. Basically, he was abducted while going to visit some relatives and conscripted into a force, and he said he had to do terrible things. He had to cut limbs, to burn houses and to kill people. These were his own words.

Clearly, the norms that we are creating are intended to change the behaviour of non-State actors like these. It is one thing to say we should look at best practices among nation-States, to carry them forward and say "I will copy nation-State access policies". But when it comes to non-State actors, how do you change their behaviour or their norms?

Quite frankly, I wonder whether we have reflected enough on this issue, and I wonder whether Mr. Oshima has addressed it in the workshops. And, frankly, if we do want to change the behaviour of such groups, we may have to consider in some ways what I call more drastic solutions, some of which have been discussed in this Council. For example, to quote the then Foreign Minister Axworthy of Canada, who spoke last year,

> "the protection of civilians requires strengthening our disposition to intervene by force if necessary". (S/PV.4127, p. 24)

In the final analysis, this whole question of humanitarian intervention comes in. Has this ever flowed into any of the discussions on the protection of civilians, or is it considered taboo or out of the range of our discussions? Similarly, when it comes to reaching out to young people like Alhaji Babah Sawaneh, we also have to look at things such as the root causes: what is it that creates such conflicts, what creates such young people, and what drives them to such desperation? Is there some kind of discussion along these lines in the discussions that the various agencies are having?

A key point I wish to emphasize is that in all our discussions on this subject I hope we will not just concentrate on abstract points and principles but that we will look at the realities on the ground in conflicts existing today. We should ask ourselves how many of the points we are making will apply to those situations, and how civilians are being protected or are not being protected by the words we produce.

Mr. Brattskar (Norway): Norway regards the protection of civilians as an important issue on the Security Council's agenda. I would like, through you, Madam President, to thank Mr. Oshima for briefing us today. We would have hoped that the work would have proceeded somewhat further than seems to be the case,

but we do understand that the particular challenges over the last couple of months have made it necessary to give priority to more immediate challenges.

We do hope and trust, however, that the Office for the Coordination of Humanitarian Affairs (OCHA) will be able to ensure further progress in the weeks and months ahead, and we are encouraged by the suggestions that informal discussions be organized on a more substantial basis early next year. I look forward to a briefing on further progress as soon as feasible thereafter.

At this stage I would like to ask Mr. Oshima, through you, Madam President, to elaborate somewhat on the following two questions. First, the current situation in Afghanistan represents a number of challenges with regard to protection of civilians. It has also struck many of us that the recommendations of the Secretary-General are highly relevant in ensuring an adequate international response to the humanitarian crisis in Afghanistan. To what extent is the United Nations dealing with the Afghanistan situation, making use of the framework being established for the protection of civilians through the reports to the Security Council and the Council's increased attention to these aspects of its work?

My second question is related to the preparation of the aide-memoire referred to in Mr. Oshima's briefing and in the letter to the Secretary-General. In our view, this aide-memoire should be short, concise and comprehensive to increase its value as a practical reference guide for the Council. In addition to its resolutions on protection of civilians, the Council had also adopted resolutions on a number of other important issues, most recently the resolution on children and armed conflict adopted yesterday and the resolution on women, peace and security a couple of weeks ago. Is OCHA also taking into account the relevant provisions of these resolutions in preparing the aide-memoire to ensure the necessary comprehensive coverage?

Mr. Valdivieso (Colombia)*(spoke in Spanish)*: I, too, would like to thank Mr. Oshima for the information he has given us on the protection of civilians in armed conflict. It seems to me that the Council has taken a wise decision in pausing, making an assessment and endeavouring to increase the efficiency of the way in which it addresses this item.

I wish to refer to one of the requests made by the Security Council President in his communication of 21 June, which was that several workshops be held on this topic. It was also suggested that one be held before the briefing. Mr. Oshima has told us that three workshops have already been held and that several United Nations agencies were invited, as were representatives from interested Governments, together with experts. He also announced that there would be a meeting of experts in January or February.

For this reason, I would like to ask Mr. Oshima how we can get invited to these workshops. It seems to me that, despite the Security Council communication and the expressions of interest that have been very clearly made — in the case of my delegation — as to interest in this topic, we have as yet not received an invitation to be able to take part in those deliberations. We think that the workshops are essential for involving Council members in the assessment of the Council's link to the topic, in particular with issues such as the protection of refugees and internally displaced persons, access by humanitarian personnel to vulnerable populations, the delivery of humanitarian assistance under secure conditions and, naturally, the protection of humanitarian personnel. So I might ask, how can we, the members of the Security Council, participate in those workshops, as requested in the communication?

Now then, there will be an assessment in one year. Mr. Oshima has told us about the work that has been done in these three areas, and, in this sense, we would like to ask that the Office for the Coordination of Humanitarian Affairs or the Secretariat provide us, either now or in due course, with the schedule of the work plan, whether the format of the plan was foreseen during this year. Even if it is true that it is not going to be the object of direct Security Council activity, we indeed can begin to participate, to begin to be more closely connected to that work so that we can be better prepared when the time comes to take decisions after the November report.

The President: I will now give the floor to the next speaker, the representative of Ireland, and after that I will ask Mr. Oshima to answer the first set of questions.

Mr. Corr (Ireland): Like others, I would like to thank Under-Secretary-General Oshima for his briefing on the progress in the three areas outlined.

As a general point, I would say that Ireland, like the representative of Norway and others who have spoken, very much regards the protection of civilians in armed conflict as one of the more important issues on the Council's agenda. Therefore the approach we take to this issue in terms of institutional detail on making progress is one part of it. The other part, as Singapore quite rightly said, are the wider issues of the spirit and the sense of urgency in which we approach this. As the Under-Secretary-General said at the outset, it is hard to think of issues that are more important — including in the context of Afghanistan — in terms of humanitarian access, camps for internally displaced persons, engagement with armed groups, delivery of aid and so on.

I would like to speak briefly about the three issues. On the question of the re-organization of the recommendations into different groups, the workshops that have been held have clearly been a very useful idea. As Colombia has said, this is, I think, an issue where Council members could possibly participate. We would hope that even before the comprehensive report is issued in November 2002, it will be possible to come back to the Council with progress on the matrix and on the state of play, given the clear importance that this has in terms of the institutional structures within the United Nations on how to make progress in terms of the different issues there.

On the draft aide-memoire, the proposal for a half-day discussion — perhaps early next year — seems a very good one. As members of the Council, we would fully support that. We would also feel that the value of the aide-memoire should be in its relative simplicity. It should essentially be a checklist without too much complexity. We would therefore support its being developed very rapidly after the half-day discussion. Equally, we look forward to the strategy paper prepared by the Office for the Coordination of Humanitarian Affairs (OCHA) and the Department for Peacekeeping Operations.

If I might, I would like to take up two questions. One arises from yesterday's meeting, which clearly showed significant linkages between the area of child protection and the issues we are considering here. I believe that Under-Secretary-General Jean-Marie Guéhenno indicated in the Preparatory Committee for the special session of the General Assembly devoted to children that an informal inter-agency working group on the integration of child protection concerns into peace negotiations was being established and that this would take into account operational procedures being developed by OCHA in relation to the protection of civilians in armed conflict. There is a clear complementarity here, so I wonder how that working group is proceeding and developing in terms of those linkages.

The second point, which is a more indirect one, is the issue of access negotiations with parties to armed conflict. In his second report, the Secretary-General mentioned that he had requested the Inter-Agency Standing Committee to develop a manual for access negotiations and strategies, including benchmarks for the engagement and disengagement of aid agencies, and so on. Again, I would be interested to hear what progress has been made on that.

The final question, which is perhaps more abstract at this stage, is the recommendation about the media made by the Secretary-General in his report, which also relates to paragraph 18 of resolution 1296 (2000), on a mass-media component to peacekeeping operations. The Secretary-General's report of course noted that no peacekeeping or peace-enforcement mission had yet been authorized in terms of, for example, closing down the assets of hate media. I wonder how the Under-Secretary-General sees the possibility for progress in that general area, given its importance.

The President: I now give the floor to Under-Secretary-General Kenzo Oshima.

Mr. Oshima: I would like, first of all, to express my appreciation for the great deal of interest in the progress that is being made in the work following the exchanges between the President of the Council and the Secretary-General as to how we proceed from now until November 2002, when we expect to submit a report to the Council on this important issue.

First, with regard to the question raised by the Ambassador of Ukraine concerning the preparation of a manual, an inter-agency process was initiated to address this matter. Agencies have agreed to produce a manual for United Nations humanitarian field staff that should incorporate best practices collected from the field and contain guidance on practical steps as to when, how and on what basis one should engage or disengage with armed groups. The group is also preparing a policy paper on this issue. The endorsement of the Inter-Agency Standing Committee

will be sought for the manual and the policy paper before they are submitted to the Council for its consideration.

Contacts with armed groups should of course be based on core humanitarian principles of neutrality, impartiality and humanity to stop the suffering of innocent civilians and to allow a sustained humanitarian dialogue. Contacts with armed groups should not affect their legitimacy or the legitimacy of their claims. The concern over legitimizing armed groups must be balanced with the often urgent need to negotiate with those groups on access and the safety of personnel in order to take life-saving assistance to people in need.

Those are some of the core issues that the manual will try to address, drawing on the best practices that agencies and their partners in non-governmental organizations have collected over the years. Of course, we would like to share the manual with the members of the Council in an appropriate forum.

The Ambassador of Singapore raised the issue of quick implementation of the recommendations made in the report of the Secretary-General, and wondered whether we are able to provide some trend lines. This is of course not an easy task, but we will try as much as possible to reflect that in our report to be submitted next November, not only in terms of the information but also with regard to any general trend that we may be able to establish. We shall try to determine where there has been progress or regress in addressing the relevant issues raised in connection with the protection of civilians.

Concerning possible overlap, there are issues connected with the protection of civilians in armed conflict, including small arms, conflict prevention, children in armed conflict, et cetera. There are a number of reports by the Secretary-General that separately raise the issue of civilian protection in connection to those sub-issues, if I may call them that. There are certain overlapping elements, but I think these processes are more complementary to each other. Indeed, these processes demonstrate a convergence of opinions on the critical issues.

On the practical level, in order to enhance the development of the road map, my Office has undertaken a review of relevant reports of the Secretary-General and Council resolutions relating to prevention, peacekeeping, sanctions, the issue of children, small arms issues and other matters. Identifying other implementation efforts will help fill any gaps and will enhance cooperation with other departments and agencies in order to facilitate implementation. But I do indeed recognize the need to try to establish some common threads that will need to be pulled together. We will try to make an effort to ensure that those common threads are developed and that they are adequately reflected in the report that we will submit in November 2002.

Turning to the problem mentioned by the representative of Colombia, I do not believe that invitations were extended to all members of the Council to the three workshops that have taken place so far. We envisage further workshops in the months ahead, and I would like to assure the members of the Council that invitations will be extended to future workshops. In addition, as I indicated, I hope that some time early next year an interface will take place with all members of the Council to address the issues under discussion, such as the road map, the development of a manual and other relevant issues. I would also like to make sure that work plans for between now and November 2002 are developed and that all members of the Council are duly informed of them.

Concerning a progress report on the matrix, as I mentioned in my remarks, that matter has been looked at by the Secretariat as a tool – as an implementation chart – to help members of the Council and other stakeholders to better address issues related to the protection of civilians in all its aspects. We will, of course, need some more time to complete that work, but in due course we would like to report to members of the Council on progress in an appropriate way. We very much look to the President of the Council for guidance in that regard.

Let me turn briefly to the issue of the separation of combatants from the civilian population in camps for internally displaced persons and in refugee camps. This, of course, is a problem which we often witness in many situations. In Afghanistan we certainly see this happening at the moment, and we also see it in various situations in other complex emergency situations in Africa and elsewhere. For example, in Afghanistan at the moment we see some indications of the militarization of camps for internally displaced persons; this is reported in Mazar-e-Sharif and in Herat. Apparently, there is intimidation of Pashtun internally displaced persons by Northern Alliance

factions, which leads to the introduction of military elements into such camps. Similar developments are reported also in some of the camps established in the border areas near Pakistan. The situation created there is so dangerous that access by humanitarian agencies to the camps to assist people in those facilities has been made risky and dangerous. At the moment, access is not assured.

Those kinds of problems do indeed exist; in each and every case, what the humanitarian agencies try to do is to address each case on its own merits, case by case, and see what they can do: what kind of practical arrangements can be made to allow access. But again, this often involves very difficult and delicate negotiations. Sometimes agencies are successful, other times they are not. The only thing I would like to say about these problems is that they involve very difficult negotiations in each and every case. For further practical information, I think this issue should really be addressed to the agencies that are actually engaged on the ground.

I hope I have answered most of the questions put to me.

Mr. Eldon (United Kingdom): I thank Kenzo Oshima for a very interesting and useful briefing. I think this meeting is indeed quite useful: this is a subject to which the United Kingdom attaches tremendous importance, and it is very important that work on it should go on. I will own up to Ambassador Valdivieso that I myself participated in one of the workshops, which I thought was a very useful occasion. It was a mix of just one or two – I think quite arbitrarily chosen – Member States, people with field experience, experts from the Secretariat, representatives of non-governmental organizations and other civil society actors. While I have absolutely no feelings of pride about having had a seat at the table, I think it would be a shame if the balance of those gatherings were distorted too much, because I think the workshop was a very useful melting-pot of ideas. I think we need more of them.

I would like to endorse the points made by Ambassador Mahbubani earlier on in the discussion. We need to design a robust normative framework that can help guide the practical work of the whole United Nations system, so that we really make an impact on the ground in terms of protecting civilians. Children really must be civilians. It is a sad fact of life that women very often are civilians in conflict situations, and so it makes an awful lot of sense to integrate the various strands of work by the Council in this general area into a sort of coherent whole.

At the same time, it is rather important that we should not drown in bureaucracy. For that reason, I endorse Kishore Mahbubani's remarks, too, about things that make a practical difference. In essence, what we need to do is to mainstream the protection of civilians into the work we do in dealing with conflict situations. I would therefore very much endorse, I think, the suggestion made by Ambassador Mahbubani and Ambassador Corr, that if we have another progress report later on, it would be rather good to have some practical examples of where this initiative has made a real difference in real situations involving conflict and civilians. I hope Under-Secretary-General Oshima will bear that in mind when he comes back to the Council.

I think the road map is a good idea, but to be useful, like aides-memoires, road maps have to be clear, straightforward and well set out, not overly complex. I have in mind here the annex to the "road map" document, which seemed to me to be a very clear set of indicators on what to do about the millennium development goals. My question to Under-Secretary-General Oshima is about the provision in the road map for benchmarking, because it is very important, I think, that we should have a way of measuring progress by the system as a whole. So I would be interested in having his comments on what measures are going to be included in this document so that we can make sure that the system is kept up to the mark.

I also very much agree with what Ambassador Mahbubani had to say about the importance of input from humanitarian actors into planning for peacekeeping operations. In a sense, it boils down to mainstreaming the humanitarian dimension into the way in which mandates are put together within the Secretariat. I would simply point out, though, that as we move towards approving operations that have a civilian protection dimension to them, we need to think very carefully about exactly what is meant by that, because it can often have quite a disproportionate effect on military planning. So we need to be extremely clear about what needs to be done in any given situation. I hope the aide-memoire will help tease some of that out.

Finally, on cross-cutting mechanisms, it is indubitably the case that the relationship between the Department of Peacekeeping Operations and the Office for the Coordination of Humanitarian Affairs (OCHA) should be a case for priority attention. But I did not hear Under-Secretary-General Oshima say anything, for example, about the Department of Political Affairs or about the other parts of the United Nations system that have an extremely valid role to play in providing protection for civilian-related work in some of the situations with which the Council has to deal. Again, I do not want to suggest biting off more than it is possible to chew in one lump. But I would be grateful to have any indication from him about where the other parts of the system are going to fit in, because, as Ambassador Mahbubani said, and I strongly agree, we need to approach this in a holistic way. We have got to get the system working together and using synergy to the best effect.

Mr. Doutriaux (France)(*spoke in French*): I wish to thank Mr. Kenzo Oshima for the briefing he gave us on the implementation of the Secretary-General's recommendations on the important issue of protecting civilians in armed conflict.

With your permission, Madam President, I would like to pick up on a few points mentioned in the excellent letter prepared by Norway in response to the previous report of the Secretary-General.

We wish to refer to the question in paragraph 1 of the letter, which was also raised by Mr. Oshima, of reorganizing all activities of the United Nations, funds and programmes in the area of protecting civilians in armed conflict. This is an important matter. It was in this spirit that we, with the Council, drafted the resolution adopted yesterday on the protection of children in armed conflict. The resolution that we adopted yesterday included the reorganization of all activities of the United Nations and its Member States in this area. Perhaps, Mr. Oshima, we could think of the resolution that was adopted yesterday on the protection of children in armed conflict as a precedent for preparing a similar type of resolution or other text that would clarify our ideas about dividing responsibilities in the area of protecting civilians in armed conflict.

In paragraph 2 of the Norwegian letter — the letter from the President of the Security Council but drafted by Norway — we refer to the issue of cooperation between the Office for the Coordination of Humanitarian Affairs (OCHA) and the Department of Peacekeeping Operations in the context of a peacekeeping mandate. As Ambassador Eldon mentioned a moment ago, it might also be useful to think about cooperation with the Department of Political Affairs when the conflict in question — I am thinking of Afghanistan because there is no mandate for a peacekeeping operation there — does not relate to the Department of Peacekeeping Operations, but to the Department of Political Affairs. Obviously, as you yourself said, Mr. Oshima, there are serious problems in protecting civilians in the Afghan conflict, so this cooperation must definitely be expanded. It clearly already exists, but the cooperation between OCHA and the Department of Political Affairs should be restructured.

Next, in paragraph 3 of the letter, we refer to the checklist of questions concerning the modification and establishment of peacekeeping mandates. It is my understanding that Mr. Oshima is engaged in consultations with interested Member States on the question of the aide-memoire, the checklist of issues. I would like to tell you, Mr. Oshima, that my country is interested in this question, and we would be delighted to be able to exchange information on this important issue with OCHA.

Paragraph 4 of the letter mentions the workshop of experts, and like Ambassador Valdivieso, we are also interested in having other workshops of experts. I think that others have been announced. I would be interested in hearing more about Ambassador Eldon's experience in an earlier workshop. We would be interested in participating in upcoming workshops on this question.

Mr. Chowdhury (Bangladesh): I also join other colleagues who have thanked Mr. Oshima for his briefing, and not just for his briefing, but also for the elaboration thereafter on the queries posed by the representatives of Norway, Singapore, Colombia, Ukraine and Ireland.

We are pleased with the way Mr. Oshima's office has worked on the follow-up to the June letter, and we are pleased with the progress that he has reported on the issues of the road map, the aide-memoire and closer coordination. But as the situation develops, we think that there is a sense of urgency with regard to some of the crucial problems that the Council is engaged in.

Afghanistan is very much a case in point. While we look to the comprehensive report in November, we wonder if there is some way that it could be expedited, perhaps by issuing an interim report, in order to react to the urgency of the situation in some parts of the world.

Again, with regard to Afghanistan, as the ancient Greeks used to say, you never step into the same river twice. And I take Mr. Oshima's point that every case is to a large extent specific and should be determined on its own merits. But in a situation like the one in Afghanistan, where there are so many non-State actors, as Ambassador Mahbubani has said, there is a need to bring about normative changes in the behaviour patterns of non-State actors. This was a major thrust that, in his view, should be undertaken. We in Bangladesh believe that one way to do so would be to inculcate a culture of peace in the protagonists, but this, of course, is not easy to achieve. However, would the traditional checklist that we have been thinking of be relevant to Afghanistan? Should we ask Afghanistan to change or should we have a separate checklist that is relevant to its situation, where all the protagonists are basically non-State actors?

Mr. Kassé (Mali) (*spoke in French*): Thank you, Madam President, for having organized this interactive debate with Mr. Oshima, whom we thank for his briefing. We have taken due note of the progress being made on the important issue of protecting civilians in armed conflict.

Through you, Madam, I would like to ask a question of Mr. Oshima and to make a comment. My question is, How can regional organizations that are involved in the protection of civilians — because of conflicts that are tearing apart their regions — be better involved, when the time comes, in the mechanism that is being decided on right now?

My comment is that we would have wished, like others who have evoked the participation of Security Council members, that regional organizations that are confronting conflict should be invited to participate in the workshops. We would be grateful to Mr. Oshima if he could give us written conclusions and recommendations on the work of the workshops that he referred to.

Mr. Koonjul (Mauritius): Let me also thank Mr. Oshima for his briefing and commend him for the work which he and his team are doing in his department. We are very pleased to note that he is organizing some very important workshops on the various issues relating to the protection of civilians in armed conflict, in anticipation of the report, which we look forward to receiving next November.

We agree with the Ambassador of Colombia that the members of the Security Council could contribute positively to the work of those seminars, and we would like to be invited as and when appropriate. We have listened very carefully to some of the statements made, especially by Ambassador Eldon and by my colleague from Mali. He has very effectively raised one of the points that I had, on recommendation 14 of the Secretary-General's report of March of this year. I think that it is extremely important that there be not only coordination among the various agencies of the United Nations, but also some kind of interaction and coordination between the United Nations and regional organizations. Recommendation 14 does discuss that point and says we should have meetings with the regional arrangements so that there can be a more informed decision-making process, integration of additional resources, cooperation and reporting mechanisms and briefings, which would be very useful. This is one of the recommendations that we think should be followed up as quickly as possible.

We also share the concerns that have been expressed by the representative of Singapore on the lack implementation of a large number of the recommendations of the Secretary-General's report. In that same vein, I would like to refer in particular to the recommendation concerning the rapid deployment of peacekeeping forces. We all know that there is the greatest and heaviest loss of civilian life at the very beginning of a conflict. It is extremely important that, at that very critical phase, there should be some kind of rapid deployment to be able to protect the civilians. I note that in the recommendation made by the Secretary-General, he had talked about the possibility of setting up this kind of rapid deployment force. That same question was again reiterated during the Millennium Summit discussions.

The question that I would like to ask is the following. I know that there has been what we call here the "High Readiness Brigade", which was apparently set up with from 80 to 88 countries participating in it or expressing their readiness to do so. I also know that funds were appropriated. So the question I have is: "Has this brigade ever been deployed and, if so, where?

And what has been its impact on the overall protection of civilians in armed conflict?

Mr. Mejdoub (Tunisia) (*spoke in French*): I would like to thank you, Madam President, for having scheduled this meeting between the Security Council and the Secretariat. We would also like to thank Under-Secretary-General Kenzo Oshima for the excellent briefing he has just given us.

I would like to take this opportunity to stress the political aspect of the meetings that you have been organizing in recent days on the human tragedies in the world. Yesterday, we were talking about the situation of children. Today, we are talking about the situation of civilians. The extent of tragedies in conflicts in Africa, the question of refugees and the situation in the Middle East should give rise to more sacrifice and solidarity and to increased interest on the part of the Council. We have seen in some conflicts that as soon as the humanitarian element appears, it helps to resolve problems and to rally people that desire peace with justice and equity. But this meeting is a rather methodological one, aimed at strengthening dialogue between the Council and the Secretariat on the protection of civilians in armed conflict. The Security Council is seeking ways to translate agreed principles into specific action, as was suggested just now by Ambassador Mahbubani and several other colleagues, to improve and even change the daily experiences of civilians that suffer the horrors of armed conflict.

I have listened with interest to the two statements made by Mr. Oshima and by my colleagues in the Council. It is clear that progress is being made by the Secretariat. We hope that the work will be completed as soon as possible in the three areas described by Mr. Oshima. We support the holding of consultations at the expert level, and we believe that they should be as broad-based and open as possible.

I do have, however, a question to put to Mr. Oshima. Could he give us some indication of the timetable planned for finalizing the initiatives that have been proposed, knowing that the Council will proceed to an evaluation next November? In other words, when do you intend to submit a draft road map and aide-memoire?

Mr. Oshima: A number of practical questions have been raised. First, I welcome the interest shown by many members of the Council in the possibility of our providing an interim report before the submission of the final report, which is expected in November next year. We would of course be prepared to submit at an appropriate time an interim report which would summerize all the progress that has been made so that the members of the Council could consider it and make any suggestions to the Secretariat that they might wish to make so that we could perhaps have a better, more complete and more satisfactory report in November next year. That is something that we would be prepared to consider favourably, and we of course also look to the President of the Council for guidance in this regard.

On the question of whether we would want to involve the Department of Political Affairs, together with the Department of Peacekeeping Operations, of course we would be prepared to do so; nothing really prohibits us from doing that. The Office for the Coordination of Humanitarian Affairs (OCHA) has no reservations whatsoever about engaging other departments of the Secretariat.

I mentioned the interface between OCHA and the Department of Peacekeeping Operations because there was a specific reference to it in the letter from the President of the Council to the Secretary-General. That is the only reason we made specific reference to the interface between OCHA and the Department of Peacekeeping Operations. As a matter of fact, as the members of the Council are aware, with regard to Afghanistan we have established within the Secretariat an Integrated Mission Task Force to address all issues that are of policy importance within that newly established framework so as to ensure a coherent response to the problems in Afghanistan. I do not see why a similar wide-ranging exercise should not be undertaken with respect to the issue under consideration.

Regarding the involvement of other parties, we would, of course, be open to — indeed, we would welcome — the participation of as many interested parties as possible, including members of the Council, and possibly some regional organizations, in workshops and other similar exercises. We would welcome that very much. As I said, we would like to make sure that invitations are extended to all parties in our future plans in this regard. As to whether a written report is available concerning the discussions which took place in the workshops that have so far been held, I would like to make sure that such a report is made available to all those who might be interested in it.

Concerning the possibility of benchmarking to indicate progress made with respect to some of the recommendations, I think there is a possibility of including some form of benchmarking, either in the aide memoire, in the process or elsewhere. Of course, it all depends on the issues. Some issues lend themselves easily to some form of benchmarking; others do not. But we take note of this very interesting suggestion, and we will see what can be done with respect to this particular concern.

A specific issue was raised concerning the United Nations High-Readiness Brigade. That is a specific mechanism that was put in place in response to the Secretary-General's call for a rapid deployment force, as mentioned by the Ambassador of Mauritius. Currently, it comprises units from several countries — units trained to the standards for deployment in operations under Chapter VI of the Charter. Whether or not this so-called High-Readiness Brigade has, in fact, been deployed, I myself am not certain at this stage. But to my knowledge — I may be incorrect about this — the brigade as such has not been deployed with respect to any specific situations.

The President: I thank Mr. Oshima for the clarifications that he has provided and the questions that he has answered with regard to the topic on our agenda today.

I want to thank Mr. Oshima, on behalf of the members of the Council. It is very important that this matter be kept fully under review. The interest generated in our discussion among members of the Council, as well as in our debate yesterday, clearly indicate that members of the Council, as well as non-members, see a direct link between the protection of civilians and issues relating to international peace and security. Members drew attention to the importance of developing a checklist which can be utilized with regard to specific conflict situations. In this regard, we look forward to the early interim report which Mr. Oshima indicated might be available. Clearly, these discussions on thematic issues are not an end in themselves, but are intended to assist the Security Council, the Secretariat and the other organs of the United Nations system in ensuring a better life and protection for the civilians who are the main victims of armed conflict.

Again, I thank Mr. Oshima very much for the clarifications. I am pleased that so many non-members of the Council were present to hear the discussions on this issue.

There are no further speakers inscribed on my list. The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 12.10 p.m.

United Nations S/PV.4425

Security Council

Distr.: General
21 November 2001

Original: English

Official communiqué of the 4425th (closed) meeting of the Security Council

Held in private at Headquarters, New York, on Wednesday, 21 November 2001, at 3 p.m.

In accordance with rule 55 of the provisional rules of procedure of the Security Council, the following communiqué was issued through the Secretary-General in place of a verbatim record:

"On 21 November 2001, the Security Council, pursuant to Annex II, Section A of resolution 1353 (2001), held its 4425th meeting in private with the troop-contributing countries to the United Nations Disengagement Observer Force (UNDOF).

"The Security Council and the troop-contributing countries heard a briefing under rule 39 of its provisional rules of procedure by Mr. Hédi Annabi, Assistant Secretary-General for Peacekeeping Operations.

"The members of the Council had a constructive exchange of views with representatives of participating troop-contributing countries."

01-65495 (E) 211101

United Nations S/PV.4426

Security Council

Distr.: General
21 November 2001

Original: English

Official communiqué of the 4426th (closed) meeting of the Security Council

Held in private at Headquarters, New York, on Wednesday, 21 November 2001, at 4 p.m.

In accordance with rule 55 of the provisional rules of procedure of the Security Council, the following communiqué was issued through the Secretary-General in place of a verbatim record:

"On 21 November 2001, the Security Council, pursuant to Annex II, Section A of resolution 1353 (2001), held its 4426th meeting in private with the troop-contributing countries to the United Nations Mission for the Referendum in Western Sahara (MINURSO).

"The Security Council and the troop-contributing countries heard a briefing under rule 39 of its provisional rules of procedure by Mr. Hédi Annabi, Assistant Secretary-General for Peacekeeping Operations.

"The members of the Council had a constructive exchange of views with representatives of participating troop-contributing countries."

01-65501 (E) 211101

United Nations S/PV.4427

Security Council

Fifty-sixth year

Provisional

4427th meeting

Tuesday, 27 November 2001, 10 a.m.

New York

President:	Miss Durrant	(Jamaica)
Members:	Bangladesh	Mr. Chowdhury
	China	Mr. Chen Xu
	Colombia	Mr. Valdivieso
	France	Ms. D'Achon
	Ireland	Mr. Ryan
	Mali	Mr. Ouane
	Mauritius	Mr. Bhuckory
	Norway	Mr. Strømmen
	Russian Federation	Mr. Zaemsky
	Singapore	Ms. Lee
	Tunisia	Mr. Jerandi
	Ukraine	Mr. Onischenko
	United Kingdom of Great Britain and Northern Ireland	Mr. Eldon
	United States of America	Mr. Cunningham

Agenda

The situation concerning Western Sahara

Letter dated 12 November 2001 from the Secretary-General addressed to the President of the Security Council (S/2001/1067).

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-178.

01-65970 (E)

The meeting was called to order at 10.05 a.m.

Adoption of the agenda

The agenda was adopted.

The situation concerning Western Sahara

Letter dated 12 November 2001 from the Secretary-General addressed to the President of the Security Council (S/2001/1067)

The President: The Security Council will now begin its consideration of the item on its agenda.

The Security Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them document S/2001/1067, which contains the text of a letter dated 12 November 2001 from the Secretary-General addressed to the President of the Security Council.

Members of the Council also have before them document S/2001/1109, which contains the text of a draft resolution prepared in the course of the Council's prior consultations.

It is my understanding that the Security Council is ready to proceed to the vote on the draft resolution before it. If I hear no objection, I shall now put the draft resolution to the vote.

There being no objection, it is so decided.

A vote was taken by show of hands.

In favour:

Bangladesh, China, Colombia, France, Ireland, Jamaica, Mali, Mauritius, Norway, Russian Federation, Singapore, Tunisia, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America

The President: There were 15 votes in favour. The draft resolution has been adopted unanimously as resolution 1380 (2001).

The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 10.10 a.m.

United Nations S/PV.4428

Security Council

Fifty-sixth year

Provisional

4428th meeting

Tuesday, 27 November 2001, 10.10 a.m.

New York

President:	Miss Durrant	(Jamaica)
Members:	Bangladesh	Mr. Chowdhury
	China	Mr. Shen Guofang
	Colombia	Mr. Valdivieso
	France	Ms. D'Achon
	Ireland	Mr. Ryan
	Mali	Mr. Ouane
	Mauritius	Mr. Bhuckory
	Norway	Mr. Strømmen
	Russian Federation	Mr. Zaemsky
	Singapore	Ms. Lee
	Tunisia	Mr. Jerandi
	Ukraine	Mr. Krokhmal
	United Kingdom of Great Britain and Northern Ireland	Mr. Eldon
	United States of America	Mr. Cunningham

Agenda

The situation in the Middle East

Report of the Secretary-General on the United Nations Disengagement Observer Force (S/2001/1079).

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-178.

01-65976 (E)

The meeting was called to order at 10.10 a.m.

Adoption of the agenda

The agenda was adopted.

The situation in the Middle East

Report of the Secretary-General on the United Nations Disengagement Observer Force
(S/2001/1079)

The President: The Security Council will now begin its consideration of the item on its agenda.

The Security Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them the report of the Secretary-General on the United Nations Disengagement Observer Force, document S/2001/1079.

Members of the Council also have before them document S/2001/1110, which contains the text of a draft resolution prepared in the course of the Council's prior consultations.

It is my understanding that the Security Council is ready to proceed to the vote on the draft resolution before it. If I hear no objection, I shall now put the draft resolution to the vote.

There being no objection, it is so decided.

A vote was taken by show of hands.

In favour:

Bangladesh, China, Colombia, France, Ireland, Jamaica, Mali, Mauritius, Norway, Russian Federation, Singapore, Tunisia, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America

The President: There were 15 votes in favour. The draft resolution has been adopted unanimously as resolution 1381 (2001).

In connection with the resolution just adopted on the renewal of the mandate of the United Nations Disengagement Observer Force, I have been authorized to make the following statement on behalf of the Security Council.

"As is known, the report of the Secretary-General on the United Nations Disengagement Observer Force (S/2001/1079) states in paragraph 12:

> 'the situation in the Middle East continues to be potentially dangerous and is likely to remain so, unless and until a comprehensive settlement covering all aspects of the Middle East problem can be reached'.

"That statement of the Secretary-General reflects the view of the Security Council."

This statement will be issued as a document of the Security Council under the symbol S/PRST/2001/37.

The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 10.15 a.m.

United Nations S/PV.4429

Security Council

Fifty-sixth year

Provisional

4429th meeting

Tuesday, 27 November 2001, 10.20 a.m.

New York

President:	Miss Durrant	(Jamaica)
Members:	Bangladesh	Mr. Chowdhury
	China	Mr. Wang Yingfan
	Colombia	Mr. Valdivieso
	France	Mr. Levitte
	Ireland	Mr. Ryan
	Mali	Mr. Ouane
	Mauritius	Mr. Jingree
	Norway	Mr. Strømmen
	Russian Federation	Mr. Lavrov
	Singapore	Mr. Mahbubani
	Tunisia	Mr. Jerandi
	Ukraine	Mr. Krokhmal
	United Kingdom of Great Britain and Northern Ireland	Mr. Eldon
	United States of America	Mr. Cunningham

Agenda

International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-178.

01-65982 (E)

The meeting was called to order at 10.20 a.m.

Adoption of the agenda

The agenda was adopted.

International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January 1994 and 31 December 1994

The President: I should like to inform the Council that I have received letters from the representatives of Bosnia and Herzegovina, Rwanda and the Federal Republic of Yugoslavia, in which they request to be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite those representatives to participate in the discussion, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

I extend a warm welcome to Mr. Jean de Dieu Mucyo, Minister for Justice of Rwanda.

At the invitation of the President, Mr. Mucyo (Rwanda) took the seat reserved for him at the side of the Council Chamber.

At the invitation of the President, Mr. Kusljugic (Bosnia and Herzegovina) and Mr. Šahović (Federal Republic of Yugoslavia) took the seats reserved for them at the side of the Council Chamber.

The President: In accordance with the understanding reached in the Council's prior consultations, I shall take it that the Security Council decides to extend an invitation under rule 39 of its provisional rules of procedure to Judge Claude Jorda, President of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991.

There being no objection, it is so decided.

I welcome Judge Jorda and invite him to take a seat at the Council table.

In accordance with the understanding reached in the Council's prior consultations, I shall take it that the Security Council decides to extend an invitation under rule 39 of its provisional rules of procedure to Judge Navanethem Pillay, President of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January 1994 and 31 December 1994.

It is so decided.

I welcome Judge Pillay and invite her to take a seat at the Council table.

In accordance with the understanding reached in the Council's prior consultations, I shall take it that the Security Council decides to extend an invitation under rule 39 of its provisional rules of procedure to Ms. Carla Del Ponte, Prosecutor of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 and of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January 1994 and 31 December 1994.

It is so decided.

I welcome Ms. Del Ponte and invite her to take a seat at the Council table.

The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

At this meeting, the Security Council will hear briefings from the Presidents and Prosecutor of the International Tribunals for the Former Yugoslavia and Rwanda.

I give the floor to Judge Jorda, President of the International Tribunal for the Former Yugoslavia, to whom the Council has extended an invitation under rule 39 of its provisional rules of procedure, in order to brief the Council.

Judge Jorda *(spoke in French)*: I am deeply honoured to be addressing the Council again as President of the International Tribunal. As members are aware, a short while ago my colleagues once more displayed their confidence in me, and I will endeavour to show myself worthy. I am also pleased to have at my side President Pillay and the Prosecutor, Ms. Del Ponte, as we report to the Council on the situation of the International Tribunal over which I preside in The Hague, and inform the Council about our concerns regarding the continuation of our activity in the years to come.

In the eighth annual report of the International Tribunal, which I had the honour of presenting to the General Assembly yesterday, members will find a comprehensive statement of the activity and reforms we undertook last year.

Today I would like to draw the Council's attention more specifically to two questions which I believe merit in-depth reflection. The first is as follows: in the light of the upheavals recently witnessed both in the States of the former Yugoslavia, which are now more inclined than before to try their nationals themselves, and on the international scene, where the fight against terrorism — as the Council knows better than I — has become a new priority for the Member States, must we not reflect in concert on the future directions to give to the International Tribunal? The second — which unfortunately is not a new one — may be put thus: how can all the high-ranking political and military officials still at large who, through their crimes, allegedly jeopardized peace and security in the Balkans be arrested at the earliest possible opportunity?

These two questions deserve to be raised, as I see it, at this juncture when the judges of the Tribunal, which is of course an ad hoc institution, are embarking on their third mandate after already eight years of activity and are reflecting legitimately on the continuation and accomplishment of their work.

Yet, before sharing with the Council these two matters of concern, allow me to give a brief overview of the current status of the International Tribunal and the reforms undertaken in the period under consideration.

The structural and operational reforms of the International Tribunal are producing their initial effects and leading to a substantial increase in its activity.

The year 2000-2001 will undeniably have been marked by the implementation of four major reforms of the structures and operations of the International Tribunal.

Briefly, I will remind the Council that the first reform seeks mainly to expedite the proceedings. It gives the judge a more active role during both the pre-trial phase and the trial itself. Through the use of ad litem judges, it also makes it possible to increase the International Tribunal's trial capacity. This is in accordance with internal reforms.

At this point, I would like to offer the Council my special thanks for having acted so rapidly in support of this reform that is essential for the future of the Tribunal, and for having adopted resolution 1329 (2000) of 30 November 2000 to this end.

The second reform, which is currently being implemented, seeks to improve the organization and operations of the two International Tribunals' Appeals Chambers, which will soon be faced with a significant increase in workload as a result of the expanding activities of the Trial Chambers. This is a matter of consistency: in reforming the Trial Chambers, we are reforming the Appeals Chambers as well.

The purpose of the third reform is to provide the International Tribunal with a genuine defence organ. Ensuring that the trials are balanced has been one of the everyday concerns of the judges since the Tribunal was established. Beyond counsel actually being in court, such balance requires that there be a defence counsel organization guaranteeing counsel's independence and professional ethics. The bar — a sort of international bar — should come into being in 2002 once the necessary consultation has been completed, in particular with defence counsel.

The fourth reform, which has already been carried out, concerns the three organs of the International Tribunal: the Chambers, the Office of the Prosecutor and the Registry. So that these organs coordinate more closely in setting the judicial priorities and so that the resources of the International Tribunal are better managed, a Coordination Council and a Management Committee were instituted in January 2001, and they have met several times since.

With the adoption of these reforms, the judicial activity of the International Tribunal has increased. As of September 2001, following the adoption of the Security Council resolution, the first six ad litem judges began to serve in three new trials. Thus, for the first time in its history, the International Tribunal is hearing four trials at once. As of January 2002, three new ad litem judges will serve at the International Tribunal. The Trial Chambers will be holding six simultaneous trials on a daily basis, which will make it possible for the International Tribunal to double its trial capacity, as I promised the Council last year. This will enable us — with the reservations I will present later to complete the Trial Chamber proceedings in 2007-2008. Of course, to achieve that objective, the accused must continue to be arrested and to surrender voluntarily at a sustained rate. The necessary resources must also be granted to us in order to sustain particularly the work of the ad litem judges. That is a target that at this time would seem to me difficult given the imminent adoption of the 2002-2003 budget. It is my duty to recall that. Nonetheless, it is a target that we will try to achieve: carrying out these six trials simultaneously beginning in January 2002.

The increase in judicial activity would not have been possible had it not been for the Member States' closer cooperation with the International Tribunal and their increased participation in arresting the accused and gathering evidence. I would underscore the change of political regime in the Republic of Croatia, which resulted in enhanced cooperation with the International Tribunal. The arrest of Slobodan Milosević and his transfer to The Hague likewise constituted a historic turning point.

However, this new spirit of cooperation — the Prosecutor will address this better soon — is still too inconsistent, and it must be continued with respect to all the accused, particularly Mr. Karadzic and General Mladic, who are still on the run more than six years after having been charged. I must recall that. This is just one example. We have 29 fugitives. The Council should know that. It is obvious — and the Prosecutor will speak to the Council about this state of cooperation — that I would not hesitate, since I have received the Prosecutor's report on this, to officially bring to the Council's attention, in view of the powers conferred on me by the statute and the rules of evidence and procedures, the failure of the States concerned. That cooperation should also be broadened with respect to the enforcement of sentences, as envisaged by the statute. I will return to this in a moment.

It is against this international backdrop, now more favourable towards the Tribunal, that the number of people who have been arrested or who have voluntarily surrendered has multiplied in the last few months, bringing the number of accused detained in The Hague to 50. The activity of the Trial Chambers has greatly increased: six judgements affecting 17 accused were issued, and several hundred decisions were issued during proceedings. The Appeals Chamber has issued some 30 interlocutory decisions and three judgements on merits for seven of the accused.

However, I wish to inform the Council today about my second concern, which, in my view, is the most critical one. The Tribunal is fully operational — I believe that I have demonstrated that today — thanks to the Council's unfailing support for us. But the Tribunal is facing a new reality. Should not its priorities not be rethought?

The political upheavals recently witnessed in the Balkans have gradually changed the perception of the International Tribunal held by the States of the region. However, should these upheavals not also lead us to change our own view as to the ability of these States to try some of the war criminals in their territory? From this perspective, should we not, for example, further promote the new national reconciliation processes the Balkan States are setting up, such as the truth and reconciliation commissions?

On the international scene, where other priorities are gradually, and legitimately, taking centre stage for Member States, particularly the fight against world terrorism, the International Tribunal must more than ever accomplish its mission in an expeditious and exemplary fashion. This is especially so given that public opinion challenging the legitimacy and the credibility of the International Tribunal that is called

on to try crimes, some dating back over 10 years, is beginning to make itself heard.

Admittedly, as I indicated yesterday to the General Assembly, we can still introduce other internal reforms in order to expedite the proceedings further, and I will actively devote myself to so doing. Yet it must be acknowledged that the proceedings have already been substantially transformed by the four major reforms I have just mentioned and can no longer be appreciably amended without interfering with the fundamental features of an international criminal trial as defined by the Council in the statute.

For this reason, we should think together about new directions to assign to the International Tribunal for the years ahead. Allow me to try to outline them.

The judges of the two International Tribunals, who met last September in Dublin in the presence of the Secretary-General's representative, Mr. Hans Corell, reflected on the priorities to assign to the International Tribunal for the years to come. In examining the results and prospects of their mission after eight years of activity, they first discussed whether — as called for in Security Council resolution 1329 (2000) of 30 November 2000, which provided us with support so that we were able to expedite proceedings — the International Tribunal should not focus more on prosecuting crimes constituting the most serious breaches of international public law and order, primarily those committed by high-ranking military and political officials. After all, it is mainly those crimes that jeopardize international peace and security. Ms. Del Ponte, whose responsibility it is to initiate prosecutions and to whom I would like to pay tribute at this point, shares many of our concerns on this issue.

The cases of lesser importance for the Tribunal — although, as we would all agree around this table, all criminal matters are important — could, under certain conditions, be relocated; that is, tried by the courts of the States created out of the former Yugoslavia. This solution would have the advantage of considerably lightening the International Tribunal's workload, thereby allowing it to complete its mission even earlier. Moreover, it would make the trial of the cases referred to the national courts more transparent to the local population and make a more effective contribution to reconciliation among the peoples of the Balkans.

However, let us understand clearly that in order for the International Tribunal to further focus its activity on prosecuting and trying the major military leaders and high-ranking officials, the States must participate even more actively in arresting and transferring them to The Hague. As the Council is aware, some of them still reside with total impunity in the Federal Republic of Yugoslavia, while others have taken refuge in the territory of the Republika Srpska. If these great leaders are arrested on 15 December 2007, we will certainly not be able to finish our work on 31 December 2007. That is obvious.

For it to be possible to relocate the cases of lesser importance for the Tribunal, the judicial systems of the States of the former Yugoslavia must be reconstructed on democratic foundations. The national courts must be in a position to accomplish their work with total independence and impartiality and with due regard for the principles of international humanitarian law and the protection of human rights. This would suppose, among other things, that, under the aegis of the representatives of the international community in the Balkans, for example, judges or international observers would be sent to participate in or be present at the trials of war criminals and that the training programmes for local judges already set up would be expanded.

I am aware that the process of judicial reconstruction is making good progress, and I wish to emphasize that the International Tribunal is prepared to make its contribution. I would also like to state that we are prepared to reflect on what amendments to the rules of procedure and evidence would be implied by a redefinition of the relationship between the International Tribunal and national courts or, indeed, the other processes of reconciliation.

I will conclude by stressing that we have implemented almost all the reforms we have considered vital and that they are beginning to produce the desired results. It nonetheless remains that to complete the work of the International Tribunal within a time frame compatible with the mission conferred on it by the Council, fresh reflection — and this is my own view — must be undertaken, in particular on the basis of the various observations I have just set out.

For my part, and within the strict limits of my authority, I remain at the Council's disposal to collaborate in this exercise of reflection and, indeed, in any ensuing action. I believe that after eight years of intense activity, this process of reflection is both appropriate and crucial. Upon it hangs the ultimate

success of an unprecedented undertaking that the Council has instigated, one whose role as a forerunner will undeniably be decisive for the International Criminal Court, whose opening is now more imminent than ever.

The President: I now give the floor to Judge Pillay, President of the International Criminal Tribunal for Rwanda, to whom the Council has extended an invitation under rule 39 of its provisional rules of procedure, in order to brief the Council.

Judge Pillay: It is my honour to present to the Council a report of the activities of the International Criminal Tribunal for Rwanda (ICTR), and I thank the Council sincerely for giving me this opportunity to address it.

At the ICTR, we have had excellent cooperation from States with respect to the execution of warrants. Therefore, my focus on behalf of the ICTR will be on the work of the Tribunal. Thereafter, I shall address the Council on the need for an increase in the judicial capacity of the ICTR.

I am pleased to report that since my last address, a number of judicial, administrative and prosecutorial steps have been taken to prepare the ground for holding uninterrupted trials this year. These endeavours have included a change in management, the finalization of pre-trial litigation and disposing of the backlog of some 200 motions.

As a result, there has been a significant increase in the number of trials. Seven trials involving 17 accused persons are presently in progress. All three Trial Chambers are engaged in simultaneous trials on a twin- or multi-track system, with two of the Trial Chambers each conducting two trials and the third holding three trials. This is the result of the judicial pre-trial decisions and measures taken in previous years. We are now seeing the impact of this preparatory work in the ongoing trials. Three of these trials are joint trials of three to six accused and, by virtue of their complexities and magnitude, will necessarily take a long time to reach finality. Nevertheless, during the years 2002 to 2003, the Council may expect judgements in the cases of a very large number of accused.

I want to assure the Council that all the judges of the ICTR are resident on a full time basis in Arusha and are working full time. Our court hours are regular, and when judges are not in the courtroom, they are deliberating, issuing rulings and drafting judgements. In the past, there have been periods of time when cases were unexpectedly delayed or not ready for trial as anticipated, which caused gaps in the work schedule of judges. This is no longer the case. The ICTR schedule for court hours and recess is the same as that of the International Criminal Tribunal for the former Yugoslavia (ICTY). Visiting judges from national jurisdictions have commented on the taxing nature of our schedule, which is compounded by the hardship conditions under which we work.

I will now briefly review the status of ongoing trials to illustrate some of the factors that have caused delay in these proceedings, as well as some of the steps we have taken to expedite them.

Trial Chamber I is currently conducting two trials. One is the media trial, which commenced on 26 October 2000, in which 34 prosecution witnesses have testified, from a list of 97. The list has, after several status conferences, been reduced to fewer than 50 witnesses, and the prosecution is expected to close its case by May next year. However, this case, because of its complexities, is not expected to end before December 2002. The second case, involving father and son — this is the case of Pastor Elizaphan Ntakirutimana, who was transferred to us from the United States — is expected to be completed before June 2002. Here also, we have heard 19 prosecution witnesses, and we limited the number of witnesses that needed to be called.

Trial Chamber II has had some setbacks. It is proceeding with a big case, called the Butare trial, covering six accused, and two other trials, involving Government ministers. These trials had commenced in March and April this year but were brought to an abrupt end by the death of the Presiding Judge, Judge Laïty Kama, on 7 May 2001. However, as a result of the expeditious election of two new judges by the General Assembly on 24 April 2001 and the appointment of a third judge by the Secretary-General on 31 May 2001, the trials were able to begin, albeit *de novo*, without further delay. So the heavy caseload of this Chamber means the judges will not be able to undertake new cases for at least two years.

Trial Chamber III has the big case of Cyangugu, involving three accused, and the Semanza case. Here also, the judges actively intervened to limit the number

of witnesses that are necessary. The short case is expected to conclude by February 2002, and the long case of Cyangugu will go on. But since February 2000, Trial Chamber III has been getting the military case of Colonel Théoneste Bagosora and three others ready for trial. Twenty-seven pre-trial decisions were delivered, each decision taking the case closer to the trial stage. So, given that the Chamber is about to conclude one of its two other cases, while the second one is well advanced, it will begin the military trial on 2 April 2002.

With regard to judgements of the ICTR, on 7 June this year Trial Chamber I delivered the Tribunal's first judgement of acquittal, of Bourgmestre Ignace Bagilishema. This judgement has been appealed by the Prosecutor, and so the Chamber ordered his conditional release to France.

The Appeals Chamber has rendered decisions in appeals involving five appellants. All of these decisions confirmed the convictions and sentences, although in the Musema case the rape conviction was quashed on the basis of additional evidence led by the appellant before the Appeals Chamber. However, these decisions of the Appeals Chamber, in my view, are significant endorsement that the trials conducted by the ICTR are fair and that the standard of proof beyond a reasonable doubt to sustain a conviction is being observed.

The question has been asked of us by many members of the Council as to why the output of judgements is so low — a single judgement this year and just eight in the four years since trials started, in 1997. The fact is that only one case was ready for trial in the autumn of 1999. Other cases that were ready for trial by both the Prosecutor and the defence in the year 2000 are the ones ongoing now. However, I shall briefly refer to some of the difficulties obstructing expeditious trials, and also the efforts and developments that the judges have made towards reducing the delays and increasing efficiency.

It is important to recall that judicial proceedings at the international level are far more complicated than judicial proceedings at the national level, and unlike national courts we rely on many factors beyond our control. Cases at the ICTR are legally and factually complex because of the alleged rank, status and roles of the accused.

The Prosecutor's strategy has, from the outset, focused on those suspects who are alleged to have been in the highest positions of leadership and authority and those who are alleged to have taken the most prominent roles in the events in Rwanda in 1994. Consequently, many of the accused persons who have been indicted, some of whom are currently standing trial, include the former Prime Minister of Rwanda, Government ministers, high-ranking military officers, senior media personnel and public figures. Trials of accused persons who are alleged to have been the architects of killings are far more complicated and take longer because command responsibility has to be established and the range of facts at issue is far greater. Thus these trials, which I submit are particularly applicable to the ICTR rather than the ICTY, take longer than the trials of accused persons with lower levels of alleged responsibility.

Other factors that contribute to lengthy and protracted trials are the voluminous documents and translation requirements, the large number of witnesses and the interpretation of testimonies involving three languages: Kinyarwanda, French and English. The Prosecutor and the defence are engaged in ongoing investigations. It is also important to note that, unlike national courts, witnesses and counsel are not within geographical proximity to the ICTR and so are not within easy reach. Witnesses for both the prosecution and defence are located in Rwanda and in countries all over the world. They have to be persuaded to volunteer as witnesses. Negotiations have to be undertaken with Governments for their travel, travel documents and protective measures. All these things are time-consuming and often result in adjournments of the trial.

Added to those factors are the handicaps of having to function out of a hardship "C" duty station. In the past year, six staff members have died of illness or accident. Simple communications that would take one hour in The Hague may take days, or even weeks, in Arusha. This is a reality that we must contend with.

On the other hand, the judges have taken measures to expedite proceedings. I shall mention a few of them. They involve expedition at the pre-trial stage, which Judge Jorda referred to. We decide most of those motions on briefs, which saves court time and the costs of travel to bring defence counsel. Motions are dealt with by a single judge. We also now engage in long-term planning of court schedules, and we exercise greater control in the courtroom in order to minimize

loss of time. Our interest in efficiency, however, must be subject to our interest in ensuring fair trials, and the defence must be given sufficient time for preparation and cross-examination. In some cases, judges have imposed sanctions for time-consuming tactics, for instance by denying costs for frivolous motions. The level of communication and cooperation between the various branches of the Tribunal, such as the Chambers and Registry, has also improved. Of course, we also have the fact that there are now precedential rulings and appeal decisions that provide a guide to the parties, which in turn curtails motions.

Issues of efficiency were discussed at length by the judges of the two Tribunals at seminars at Ascot and Dublin. There was broad consensus that the delays experienced by both Tribunals needed to be addressed and that there was a need for greater control over the presentation of evidence by the parties. We are now implementing greater controls over the number of witnesses, the length of their testimony, and so on. These measures have already had an effect and are among the reasons for the significant acceleration of our trial activities. However, there are limits to what can be achieved with the present three Trial Chambers.

The Council may recall that, when I addressed it last year, I expressed our commitment to complete as many cases as possible of persons awaiting trial in our detention facility within the present four-year mandate. As already mentioned, the trials of 17 persons are underway and 26 detainees are awaiting trial, of whom four were transferred to the ICTR in the last three months. A further 22 suspects have been indicted and are still at large. If the present capacity of nine judges remained unchanged, the Tribunal will not be able to complete the trials of the current detainees before the year 2007. The judges find this to be unacceptable, as some of the detainees have been awaiting the commencement of their trials for considerable periods of time. International standards require that accused persons be tried without undue delay.

Those difficulties are further compounded by the fact that the Prosecutor has informed me that she anticipates indicting up to 136 new accused persons by the year 2005. The Tribunal's capacity must be increased in order for us to try those cases in accordance with international fair-trial standards. It was for this reason that on 9 July 2001 I submitted a proposal to the Security Council for the creation of a pool of ad litem judges, similar to the solution that the Council found for the ICTY by virtue of resolution 1329 (2000). If the judicial capacity is increased with ad litem judges, and if the Prosecutor drastically revises her investigative programme, I believe that the ICTR can complete its work by 2007, rather than the projected date I gave in my report, of 2023.

The request for ad litem judges is presently under consideration by the Security Council. I hope that this remedy will be provided for the ICTR, as it was for the ICTY when it faced a similar situation. The progress of trials since my request of 9 July 2001 now enables me to present to the Council an updated plan for the immediate use, once elected, of nine ad litem judges by two of the Trial Chambers, splitting into five sections. These five sections would be able to begin five new trials involving between 14 and 17 accused between April and June 2002. So, with the three current Chambers and these five subsections, we would have eight trials going on simultaneously.

Each section would generally have a mix of permanent and ad litem judges, which would help ensure the consistency of the Tribunal's jurisprudence. Even in those exceptional cases where ad litem judges might serve alone, we believe that consistency would be maintained through the established jurisprudence of the Tribunal. It is important that the ad litem reform be decided as soon as possible, with two aims in mind: to supplement the present trial capacity in relation to currently detained accused, and as an essential measure for future indictments and arrests by the Prosecutor.

Together with the ICTY judges, we have reflected on the lifespan of the Tribunals. We are concerned that the passage of time may affect the quality of the evidence and that long delays raise human rights concerns. We recognize that this is a political decision that can be taken only by the Security Council. The ICTR judges are of the opinion that the target date for completion of our mandate should be 2007, and we hope we will get the support we need to make this possible. Meanwhile, I would urge that other avenues of justice be pursued as well, such as the encouragement of trials at the national level in jurisdictions where suspects are located.

In conclusion, I wish to place on record the Tribunal's appreciation to States for their cooperation over arrests, transfers of indicted persons and travel of witnesses, and for receiving acquitted and convicted persons. I particularly thank the following

Governments: Ireland, for its contribution to hosting the judges' seminar; the French Republic, for receiving and agreeing to monitor an acquitted person, and the Republic of Mali, for receiving convicted persons. Five convicted persons, including Jean Kambanda, Prime Minister of the interim Government of Rwanda, will begin serving their sentences of imprisonment for 25 years to life, in Mali starting this month.

I am optimistic that many of the factors impeding our progress to date have been and are being addressed effectively. I wish to thank the Secretary-General for his support in this regard. However, we need the Council's further support. The ICTR and the ICTY are engaged in a historic endeavour and should both be supported, and supported equally. We have a long way to go in establishing the rule of international law to safeguard the principles of peace and justice, which are so fundamental. Despite the many setbacks and daily frustrations, we are making progress.

The President: I thank Judge Pillay for her comprehensive briefing on the work of the International Criminal Tribunal for Rwanda.

I now give the floor to Ms. Del Ponte, Prosecutor of the International Criminal Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda, to whom the Council has extended an invitation under rule 39 of its provisional rules of procedure, so that she may brief the Council.

Ms. Del Ponte: I am grateful to have this opportunity to appear before the Council to provide an update on the work of the Prosecutor's Office in the two International Tribunals. It is my assessment that both the International Criminal Tribunal for the Former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR) are poised to enter the most important phases of their existence, and are both about to begin their major criminal trials.

Much crucial work is still before us in both the ICTY and the ICTR, but we are also now in a position to begin to see how the Tribunals may complete their mandates. We are starting to consider what has been called our "exit strategy". I know that the Council is particularly keen to have an understanding of what my future prosecution policy will be and how much work the Tribunals will have to do before they can complete their respective mandates.

Although there are substantial differences in the nature and complexity of the conflicts in the two continents — in the scale of the killings and the time scale of the events — it goes almost without saying that my focus in both situations is on the leaders. Any lower-level cases that are going through the system either can be explained in terms of the history of the Tribunals' development or concern notorious individuals whose conduct stands out despite the fact that they had no formal position in any hierarchy. Instead, today I would like to explain two aspects of our policy. These aspects apply equally to Rwanda and to the former Yugoslavia.

First, we have not investigated all crimes. We have concentrated on the areas in which the worst massacres occurred. So there have not been in-depth investigations of every municipality, or *opstina*, in Bosnia or every commune in Rwanda. But we have established that both the genocide in Rwanda and the ethnic cleansing in Bosnia were highly organized criminal enterprises — centrally organized at the highest level, and pursued with enthusiasm at the regional and local levels.

Even at these command levels, we are not dealing with a small handful of individuals, whatever impression the general public may have about how many architects there were. From the many thousands of significant targets, we have selected under 200 in each Tribunal, and we do not even expect to prosecute all of them. Many, many important crimes have therefore been left to be dealt with by national jurisdictions. In order to appreciate the scale of the undertaking, we have only to look at the internal Rwandan justice system, where we see in the traditional *gachacha* process that 11,000 local jurisdictions, involving 260,000 local judges, will be dealing over a three-year period with 120,000 perpetrators of the genocide, in which between 800,000 and 1 million people died in the space of four months.

Secondly, one should not fall into the trap of separating the accused into big fish and small fish. A number of the accused under investigation in the ICTY and the ICTR played a very nasty role somewhere in between these two extremes — as key organizers and motivators at the district or local level. They had strong links to the central power base and were fully aware of the overall criminal enterprise, but they also fervently put the plan into action in their areas and had blood on their own hands. In the former Yugoslavia, some of

these individuals still occupy official functions, and their activities are an obstacle to the peace process. In Rwanda, the genocide exploded quickly in the areas where such people fanned its flames, whereas in other regions, without these willing perpetrators, the number of killings was lower, and the massacres were less extensive. For the local people, the victims and the survivors, it was these people who brought their world to an end, not the remote Governmental architects of the overall policy of genocide. Unless these local leaders are brought to justice in both Rwanda and the former Yugoslavia, the ordinary population will not come to terms with the past, and the process of reconciliation and building a stable peace will suffer accordingly. That is why these cases justify my attention, and that is why the choice of cases to pursue is not at all simple. The crimes were highly organized, directed and implemented at a number of levels, each of which depended on the other.

We have previously given figures for the remaining investigations - 36 for ICTY, involving a total of 150 accused, and 136 for ICTR, involving a total number of 136 accused, since each investigation there concerns a single target. The Council, however, should not think that these figures present the picture of a prosecutor out looking for business and ranging broadly over all possible suspects, whatever their involvement. On the contrary, the figures represent, as I have said, only a fraction of the potential number of crimes or suspects, all of which involve mass murders, multiple killings, or other crimes at the very highest end of the scale of national or international crimes. In fact we turn most cases away.

If there is any public concern about the number of investigations, it is a concern about resources, because it cannot be a concern in terms of justice. There may be people who are saying after the events of 11 September that the world has moved on, and the issue of the day is now terrorism, not past conflicts. We cannot take that view of international justice. There is now all the more reason for the international community to harden its resolve to pursue those responsible for genocide and crimes against humanity. It is neither credible nor honourable to give support to the war against terrorism while not doing everything possible to bring to justice those responsible for genocide in Rwanda, in Srebrenica and in other massacres. As with the fight against terrorism, we delude ourselves if we think there is a quick and low-cost solution that does the job properly. The Tribunals must have sufficient means to do their job, and all the projections we make about the remaining workload are made on the assumption that the two Tribunals will be given the resources that we have sought in our budget submissions for the next two years.

I know that earlier this month the Council held informal consultations to discuss the question of ad litem judges for the ICTR. Tribunal representatives were present to listen to the views being expressed, and certain concerns were relayed to me about prosecution policy. First, let me say that I strongly support the appointment of ad litem judges for two reasons. We must increase our capacity to hold the trials of accused who have already been in custody for long periods. And we must also be able to process new cases within a reasonable time. These are separate compelling justifications for increasing the number of available trial chambers.

I understand that the Council is broadly sympathetic to the request for ad litem judges, but I also understand that you need more information from me about my prosecution policy.

Let me therefore give you specific details of my prosecution policy in the ICTR. Fifty-three accused are in custody; some cases have been dealt with; 17 accused are currently on trial; 25 are in custody awaiting trial. More than 20 are still at large, including major figures who have found refuge in countries outside Rwanda and who are beyond the reach of any national jurisdiction.

Our investigations concentrate not on geographical areas of Rwanda, but on prominent figures in the command structures of the Government and the military and in other walks of life such as the media, the clergy, the intelligentsia and the business world. The only prospect of bringing those people to justice lies with the International Tribunal, and we have demonstrated our ability to track them down. Our specialist tracking teams often work in the most difficult conditions to locate their targets, but it can be done, and it is being done. This year, nine accused have been arrested so far.

As things stand, bringing existing detainees to trial in the courtrooms will take us well into 2005 or even beyond. In addition, I indicated at the beginning of this year that I intend to complete a further 136 new investigations, to bring our investigative mandate to

completion by the end of 2004. That programme, which involves a maximum of 30 new indictments per year, appears to have caused some alarm, and I hope it is not being misunderstood.

The figure of 136 represented the very outside estimate of our future workload. The figure is the number of investigations, not the number of trials. Many factors will affect whether or not an investigation results in an actual prosecution. In a significant number of cases the accused are confirmed to be dead. Not all investigations succeed in gathering sufficient evidence. Not all accused can be traced or arrested, and the number of trials will be lower than the number of arrests because the accused can often be tried jointly. In one current trial, six accused are being tried together. Working down from the outside number, our original estimate was that the 136 investigations might result, at best, in 45 new trials, perhaps even fewer.

What does that mean in additional years of work for the ICTR? Assuming, after the major prosecutions are over, that subsequent trials can be much more streamlined in terms of their proof, we are probably looking at another four years of trial work for the Tribunal after the existing business has been processed. That is what we can expect from our investigations programme. Four years added to the end of 2004 would bring us to the end of 2008.

This year, we are largely on course to meet our investigative targets. Nineteen cases are reaching the indictment stage now, and 21 other investigations are ongoing. It is true that some of these are suspects who were involved at the local level, but to cite just a single example, one of these targets is believed to be implicated in the killing of between 20,000 and 30,000 people. That demonstrates the scale of the crimes we are continuing to address in Rwanda, even in our new cases.

For those ongoing investigations, we will depend upon the close cooperation of States, including Rwanda itself. One new area that we are addressing concerns allegations of crimes committed during 1994 by members of the Rwandan Patriotic Front (RPF) forces. The success of those inquiries will be especially affected by the degree of support we have from the Rwandan Government. The extent of their collaboration remains to be seen. We also intend to move away from our policy of sealed indictments to a policy of greater use of circulating arrest warrants openly through the INTERPOL red notice procedure and taking advantage of reward programmes for information leading to arrests. We are particularly interested in the situation in the Democratic Republic of the Congo, and have begun to explore with the authorities in Kinshasa whether we can trace suspects there. It is essential that we do so.

I believe that in these circumstances my investigative strategy is fully justified by the facts. I am satisfied that cases are being carefully and properly selected for prosecution in the international forum. In addition, individual cases are constantly reviewed as to their viability and suspended or discontinued if need be. No reason or principle can be found based on the public interest in the pursuit of justice that would justify a radical departure from the existing policy.

But I hope we shall not come to that point. Ad litem judges are required to deal swiftly with existing business, irrespective of the future court programme. If the capacity of the Tribunal were to be increased for this reason, there would certainly be a substantial shortening of the Tribunal's life. I agree with the estimate that existing trials could probably be completed by the end of 2004, and that the remaining trials could be dealt with by the end of 2008.

In the Office of the Prosecutor we are prepared to aim at such a date, even if that means adjusting the content and presentation of the later trials accordingly. I am determined to address the quality and focus of our prosecutions. I have already set about changing the whole approach of my staff so that the emphasis at all times is on making the best use of resources. We must ensure that all activity, both in investigations and in prosecutions, is especially directed towards meeting the evidential and legal needs of the Chambers. I am resolved to present cases with much greater precision and focus than in the past and to explore all available avenues to speed up the proceedings without losing the essential fairness of the trial process. If we do that, in my estimation, the close of 2008 might be a realistic date for the end strategy for the trials in the ICTR.

If I might now turn to specific issues for the ICTY, I can inform the Council that, in The Hague, we are also planning strategically for the future. Our programme of outstanding investigations, publicly revealed in 1999, is under constant review. Four investigations relating to Kosovo and Macedonia have

been added to the original list of 36, bringing the total to 40. A review of the status of these investigations has been carried out in recent weeks. Four have been successfully completed; a further four have been incorporated into other ongoing cases; six have been discontinued; and a further 10 have been identified as potentially suitable for prosecution at the national level. These 10 have been suspended pending a review in a year's time. The 16 remaining investigations are active and are now being resourced according to their priority. Together, the active and suspended cases involve 108 potential accused and an estimated 34 new indictments, approximately half of which might appropriately be dealt with by national courts. The deadline is still to complete the outstanding investigations by 2004.

There is an interesting possibility for an ICTY exit strategy — namely, as I have just suggested, that some cases might be referred to courts in the former Yugoslavia for prosecution. The Tribunal's rule 11 *bis* already envisages the referral of cases, but it has not yet been used and it is doubtful whether a suitable judicial process exists at the national level. Adequate measures have yet to be taken for the protection of witnesses. As the majority of the cases are from Bosnia and Herzegovina, I have therefore suggested in Sarajevo the idea of designing a special court in Bosnia and Herzegovina that would have an international component or of developing an existing state court to perform this special task. That court would deal with cases referred to it by the ICTY either during or after the completion of our mandate, and it might also deal with other sensitive war crimes cases, which are presently submitted to my office for review under the "Rules of the Road" scheme following the Rome Agreement of 18 February 1996.

The idea of a national forum involving the participation of international prosecutors and judges to deal with war crimes cases has so far been well received by the Office of the High Representative, by the Presidency in Bosnia and Herzegovina and by certain States. Much work would have to be done to establish the required prosecutorial and judicial mechanism. My Office stands ready to assist the development process in any way possible, since I am aware of the international community's desire to see both Tribunals finish their work in a timely fashion. If we began to design a special court in Bosnia and Herzegovina now, it might well be up and running by 2004 and able to begin taking accused in the kind of cases we have identified for our own investigations as being suitable candidates for national prosecution.

I would not, however, be ready to hand over prosecution of my cases to national courts as they now operate. War crimes cases are still politically sensitive in the region and the international community must promote equitable national jurisdictions and legal institutions. The United Nations must have an important role to play in this regard.

I must speak also about State cooperation with the Tribunal, which remains problematic. It takes a great deal of time and effort to achieve cooperation and we do not yet enjoy full cooperation across the board in the former Yugoslavia. Some time ago, the Council was seized of the issue of non-cooperation by Yugoslavia and then by Croatia. Last year, I was able to report that the situation with Croatia had improved, but that full cooperation was not yet forthcoming. At present, I can reiterate that, in some areas, we have managed to make advances with the Croatian Government, but there are still areas where progress is very slow, especially in the production of documents.

I am constantly in a constructive dialogue with Zagreb. I expressed my disappointment about the non-apprehension of General Gotovina and was assured that the Government remained committed to arresting him and transferring him to The Hague. However, it appears that General Gotovina has been allowed to escape arrest and I wish to bring that unsatisfactory situation to the attention of the Council. I also call on Croatia to overcome any remaining obstacles and to stand firm on the path of full cooperation.

With the Federal Republic of Yugoslavia, the picture is very complex and often discouraging. Working with Prime Minister Djindjic and the Serbian authorities at the republican level, we have experienced good results in terms of arrests and access to evidence. The transfer of Slobodan Milosević to the Tribunal was a groundbreaking event and a courageous step by the Serbian Government, but cooperation at the federal level appears to be blocked for reasons of domestic politics. Despite their declarations, the federal institutions obstruct the work of my Office. State cooperation does not begin and end with the surrender of accused. We need access to documents, archives and witnesses. At the federal level, access to these important sources of evidence is being denied to us on

the pretext that no domestic legislation authorizes it. And, while the Yugoslav federal authorities continue to claim that an internal law must be enacted in order for the Federal Republic of Yugoslavia to be able to cooperate with the Tribunal, I see no effort on their part to ensure adoption of such legislation. The contrary is true.

Moreover, I regret to inform the Council that Ratko Mladic is residing in the Federal Republic of Yugoslavia under the official protection of the Yugoslav Army. As an officer of the Yugoslav Army, General Mladic is said to enjoy military immunity and is being shielded from both national and international justice. To give another glaring example, the Council will recall the efforts we have made for years now to obtain the transfer of the three accused indicted for crimes in Vukovar. In November 1998, the Council adopted resolution 1207 (1998) stressing that no State may invoke provisions of its domestic law as a justification for its failure to cooperate and calling for the arrest and transfer of the three Vukovar accused.

Nevertheless, the Army continues to harbour them with the approval of the federal Government. Instead of compliance with the specific demands of the Security Council, these indictees are allowed to defy the Tribunal publicly by making presentations of their books. The list of wanted persons sheltered in the Federal Republic of Yugoslavia has grown longer and, instead of giving clear, unambiguous support for the Government of Serbia and of taking a clear stand on cooperation with Tribunal, the federal authorities are doing everything possible to stop even limited cooperation by the republican authorities, who have been most helpful.

I have not had occasion to address the Council since the arrest and transfer of Slobodan Milosević. I would like to express my gratitude to members of the Council and to all other States, without whose insistence and support the transfer of Milosević would not have happened. Last week, a third indictment was confirmed against Milosević, covering crimes in Bosnia and Herzegovina, including genocide. The support of States is essential for the work of both Tribunals and I would also like to record my gratitude to those countries that assisted in the recent tracking and arresting of several accused for the ICTR in Arusha.

Turning to Bosnia and Herzegovina, the most problematic issue is still cooperation with Republika Srpska. A law on cooperation was recently passed, and we are now very keen to see the concrete results of its implementation. As for the authorities of the Federation of Bosnia and Herzegovina, they have once again confirmed their full commitment to cooperation by the swift transfer to The Hague of four indicted senior Bosniac military staff.

The argument all too often put forward by Belgrade and Banja Luka, and to a lesser extent by Zagreb, that cooperation with the ICTY is threatening the political stability of the country is one which should not be taken at face value. Is it easy for the Federation of Bosnia and Herzegovina to transfer a former chief of staff of the army or generals who are still widely regarded as war heroes? Although the authorities in Sarajevo stress the political difficulties that may arise from their cooperation with the ICTY, they do not invoke them as excuses for not cooperating.

Last week I visited Skopje in order to inform the authorities of the Former Yugoslav Republic of Macedonia about two new investigations opened by my Office in regard to alleged war crimes by National Liberation Army (NLA) and Government forces. The Council will be well aware of the situation in that country. Despite the fact that all parties involved in the recent conflicts have agreed that the existence of the Tribunal has already had a very positive deterrent effect, I have to admit that I am deeply worried. Until now I have experienced no problems with activities of my Office in that country. I have had full cooperation from the Government so far, and I was assured by the President and the Prime Minister that I could count on their full cooperation in regard to any of my investigations. But the real test will come when investigations are pursued and if indictments are confirmed.

I therefore appeal to the Council for its continuing support for the work of my Office, and especially ask the Council to insist upon the arrest of Radovan Karadzic and Ratko Mladic, whose continuing liberty is an affront to the authority of the Council and mocks the entire process of international criminal justice. If we are seriously resolved to enforce the rule of law against those who commit acts of genocide or crimes against humanity or terrorism, and if we want long-term stability in the Balkans, we

simply cannot allow Radovan Karadzic or Ratko Mladic to escape justice and we cannot talk in any meaningful way about the completion of the mandate of the International Criminal Tribunal unless they are brought to trial with the others in The Hague.

Those are the key issues I wished to bring to the attention of the Council. Finding long-term and comprehensive solutions for criminal justice in the former Yugoslavia and Rwanda does not lie within the mandates or the powers of the International Tribunals themselves. As Prosecutor, appointed by the Security Council, I will fulfil whatever mandate is given to me in the pursuit of international peace and security.

The President: The next speaker is His Excellency Mr. Jean de Dieu Mucyo, Minister of Justice of Rwanda. I invite him to take a seat at the Council table and to make his statement.

Mr. Mucyo (Rwanda) (*spoke in French*): It is my honour to address the Security Council today on behalf of my country, Rwanda. Following the terrible hardships that Rwanda endured in 1994 — genocide and massacre that took the lives of more than a million innocent people — my country, with the support of the international community, took the course of national reconciliation among all Rwandans in order to rebuild our society on the basis of brotherhood, solidarity and justice with respect for fundamental human rights.

There have been many programmes and activities to promote and strengthen the rule of law and democracy. But there can be no national reconciliation without justice. It is justice that will make it possible not only to eradicate the culture of impunity but also, and above all, to restore a society in which safety and security prevail.

At the domestic level, a large number of persons, including *génocidaires*, have been detained. Many people have been orphaned, widowed or maimed; we have seen genocide and massacres. To resolve these problems we have undertaken a new experiment with the establishment of the *gachacha* system of justice based on the Rwandan national tradition of participatory justice, in which the population — whose members were the only eye-witnesses to the acts of genocide — relates the facts, uncovers the truth and helps arrest and try suspects.

I take this opportunity sincerely to thank all the countries that are supporting us in our efforts to rebuild our country. The Rwandan Administration cannot face the country's post-genocide situation alone. Rwanda earnestly hopes that the support it has enjoyed in the past in strengthening its capacities and in developing programmes of justice and of national reconciliation will continue and will be strengthened.

Let me mention, in addition to our domestic efforts and achievements, the work of the International Criminal Tribunal for Rwanda. As someone said only yesterday, the 1994 atrocities in Rwanda are one of the darkest pages in human history. The Tribunal's essential task is to fight against forgetting and for justice, which will contribute to the reconciliation that is indispensable in Rwanda.

The mandate of the International Criminal Tribunal for Rwanda constitutes a challenge: if justice is not brought to Rwanda and if certain countries continue to harbour those suspected of genocide and revisionists, no people in the world can feel safe. Far beyond a single people, all of civilization could disappear. If crimes of this kind go unpunished, all of mankind will be impoverished. Justice for Rwanda will quite simply be the triumph of human rights. It is essential to bring to trial those suspected of genocide. That is why we hail the work of the International Criminal Tribunal for Rwanda; that work must continue, and it must be strengthened. Even though the number of judgements that the International Criminal Tribunal has handed down so far remains insufficient, we are encouraged by the work that the Tribunal has accomplished. This is certainly not the time to reduce its capacities; it is the time to build them up.

Rwanda supports efforts to reorganize the Court's services. We welcome the Prosecutor's investigative efforts, even though the number of arrests of suspected *génocidaires* is insufficient compared with the number of those responsible for genocide who are scattered about the globe. We assure the Prosecutor of our complete cooperation. We also support an increase in the number of judges with a view to expediting trials. Further, Rwanda is particularly pleased by reorganization efforts and by the various programmes established by the Registry. None the less, it would be good for that service to attach high importance to the following consideration.

The Tribunal's programme of information on its mandate and activities should reach the great majority of the population. If possible, a radio station could

broadcast information on justice in general. In this way, the International Criminal Tribunal for Rwanda would be better understood by the population.

Initiatives for assistance to potential witnesses should be increased and extended to the whole country. Rwanda has long been very concerned about the situation of witnesses before, during and after trial. The reorganization of the witness protection service responds to these needs. We hope that not only will the physical safety of witnesses be truly ensured; in addition, we must not forget their mental state, especially during cross-examination by the lawyers for defence. The case of widows who faint on the witness stand speaks eloquently to this.

It is urgent also to provide access to AIDS medication for those who were rape victims at the time of the genocide. Let us remember that they are slowly dying. We know that those who raped them and are now held in Arusha have free access to AIDS medication.

We encourage the Tribunal's recruitment of Rwandans, but at the same time, we appeal for greater care in the choice of persons recruited. That would prevent the abusive sharing of fees among the defence counsels and detainees or the hiring of individuals suspected of genocide, of which there have been instances.

This justice so indispensable for the reconciliation of Rwandans would carry greater weight if the headquarters of the International Criminal Tribunal for Rwanda were based in Rwanda. We are aware that is our obligation to facilitate the activities of the Tribunal. But it is hard for us to understand the desire to locate the Court's headquarters in Arusha. The reasons stated in 1994 no longer seem relevant. There are many reasons to transfer the headquarters of the Court: a reduction of the travel expenses of staff and witnesses; the speeding up of investigations and trials — especially when we will soon be starting the *gachacha* hearings and when a great deal of information will be brought before the Court; and a better awareness of the Tribunal's work among the wider population, which would greatly contribute to our policy of unity and reconciliation. We recall that in Rwanda, justice appears more pedagogical than punitive.

It would be very difficult to talk about justice and reconciliation without considering compensation for the victims. It is our duty to ensure that the survivors of the genocide are compensated. We want to see the victims who survived the genocide participate more fully in the activities of the International Criminal Tribunal for Rwanda, and we especially hope that the Court will have greater latitude in taking decisions granting compensation to victims.

Please recall that in Rwanda, beyond the divisions of foreign origin, a people was murdered. Mothers and young women were raped. Children were slaughtered. So that a people can never again be massacred in silence, help us to continue this work of justice, unity and reconciliation: justice for the accused but also justice for the victims.

I wish to conclude by emphasizing that the criticism of the International Criminal Tribunal for Rwanda must be taken as constructive criticism and not an attempt to denigrate the work of courageous individuals attentive to the mission entrusted to them.

The President: The next speaker inscribed on my list is the representative of the Federal Republic of Yugoslavia. I invite him to take a seat at the Council table and to make his statement.

Mr. Šahović (Yugoslavia): Allow me at the outset to congratulate you, Madam President, on the outstanding manner in which you have presided over Security Council deliberations on a number of extremely important issues during this month. My delegation listened with great attention to the introductory interventions of the Presidents of the International Criminal Tribunal for Yugoslavia (ICTY) and of the International Criminal Tribunal for Rwanda (ICTR), as well as the Prosecutor, Ms. Carla Del Ponte.

Yesterday and today, the activities of the ICTY have been the focus of our attention here at the United Nations, first in the General Assembly and now in the Security Council. From what has been heard so far, it appears that the prevailing assessment is that both the general climate for the Tribunal's work, especially in the area of the former Yugoslavia, and its actual performance in the course of the past year have improved. We share this view. Indeed, the present Governments of the countries directly concerned — and of course, I include my own country — adopted in the past year a constructive and cooperative approach towards the Tribunal. The ICTY, on its part, is implementing measures aimed at improving its proceedings to make them more expeditious and

efficient in order to fulfil its envisaged task in the foreseeable future.

However, it has also been stressed that much more needs to be done to achieve that objective. In this connection, one of the issues that has been raised both yesterday and today was the need for more consistent and comprehensive cooperation on the part of the Federal Republic of Yugoslavia with the Tribunal. Allow me therefore a few comments on the subject.

On many occasions in the past month, it has been emphasized from the highest levels of our Government, including by the President, the Foreign Minister and the highest Serbian and Montenegrin authorities, that the cooperation with the Hague Tribunal is of crucial importance for the Federal Republic of Yugoslavia. My country is well aware of its international obligations in that respect and is committed to fulfilling them. The federal Government and the Governments of both Republics are making serious efforts and have taken a number of concrete measures to enhance cooperation with the Tribunal. The transfer of Slobodan Milosević to The Hague is one of those measures which has been widely recognized as a major development and a turning point in that respect. A number of other indicted persons from the Federal Republic of Yugoslavia have been transferred to The Hague, as well as some from elsewhere in the region who resided in Yugoslavia. Some important voluntary surrenders also took place, including those connected to the Dubrovnik case, which was facilitated by the authorities of the Federal Republic of Yugoslavia and of the Republics.

Cooperation with the Prosecutor's Office in Belgrade is also proceeding well, we believe. The staff of the Office has full freedom of movement and the ability to discharge their duties unimpeded including interviews with victims and witnesses. Tribunal investigators participated in a number of investigations in the territory of the Federal Republic of Yugoslavia. What we consider very important at this stage is that the work on formulating an internal legal framework aimed at facilitating cooperation with the Tribunal is under way. A law on cooperation with the Tribunal, once finalized — and I hope and am confident that it will be soon — will regulate the cooperation with the ICTY in the most comprehensive manner.

Cooperation with the ICTY is a process, and it should be understood as such. If we look back at the last 12 months, we will see significant improvement. I am confident that in the coming period it will improve further. It should also be understood that cooperation is a two-way process. For its success, as eloquently stated yesterday in the General Assembly by the Ambassador of Norway, it is important that the population in the region be informed about and understand the significance of the Tribunal's work. Therefore, we believe that the ICTY should make consistent efforts to explain its mission as a balanced and impartial one. It is also extremely important to strictly preserve the Tribunal's role as a judicial mechanism for determining individual responsibility for crimes committed in the territory of the former Yugoslavia since 1991.

There were some attempts in yesterday's discussion on the report of the Tribunal to connect ICTY cases to issues related to State responsibility, which i completely outside the scope of the Tribunal's jurisdiction. Such an approach will not help efforts to achieve wider reconciliation and improvement in relations within the region. I will not elaborate here on issues related to the importance of improving the Tribunal's functioning, such as those related to sealed indictments, the frequent change of its rules of procedures or compensation for those who were acquitted, since I mentioned them yesterday in the General Assembly.

The same applies to the contribution we would like to see the ICTY make in dealing with cases of crimes committed against Serbs and other non-Albanians in Kosovo and Metohija since the deployment of UNMIK and KFOR in the province in June 1999.

However, I would like, in conclusion, to point out that all concerned should concentrate on their own responsibilities towards the Tribunal, rather than looking elsewhere or in the neighbourhood. This is what we in the Federal Republic of Yugoslavia are trying to do. Only in such a manner can we improve our capabilities to cope with the past and gradually take over, with full responsibility and in a manner consistent with the principle of the rule of law, cases that the Tribunal wishes to refer to national jurisdictions. That, I believe, should become a trend in the future, and only that can bring peace, reconciliation and recovery to the region.

The President: The next speaker inscribed on my list is the representative of Bosnia and Herzegovina. I

invite him to take a seat at the Council table and to make his statement.

Mr. Kusljugic (Bosnia and Herzegovina): The Government of Bosnia and Herzegovina welcomes the report of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 (ICTY), presented yesterday to the General Assembly by its President, Judge Claude Jorda, as well as the achievements of the Tribunal over the past year. I also take this opportunity to thank the ICTY President, Judge Jorda, and the ICTY Prosecutor, Ms. Del Ponte, for their clear and straightforward messages regarding the current and the future work of the ICTY that they have expressed today in their statements to the Council.

The presidency of Bosnia and Herzegovina and the central-common institutions of Bosnia and Herzegovina fully support the activities of the ICTY, not only with words, but also with their deeds. We consider that the ICTY has played an important role in the process of reconciliation and the maintenance of peace and stability, in both the country and the region as a whole. We especially acknowledge the apprehension and trial of Slobodan Milosević. We see it as a clear sign that the Tribunal will prosecute the high-level perpetrators, the strategists of the war crimes, which we consider to be its primary role. The Government of Bosnia and Herzegovina also underlines the role of the ICTY in the individualization of war crimes, as a precondition for inter-ethnic reconciliation in the region.

Yesterday, in addressing the General Assembly, I also conveyed our expectations for the future role of the ICTY. In short, we consider that the work of the ICTY will substantially, directly or indirectly, influence the following processes in my country and in the region as a whole: the return of refugees and internally displaced persons; inter-ethnic reconciliation and confidence-building; regional security and cooperation; political and economic transitions; European integration processes; and full implementation of human rights standards.

I also conveyed to the General Assembly several proposals aimed at complementing or enhancing the current ICTY activities. Today, in addressing the Security Council, I would like to underline the most important subjects upon which I elaborated yesterday.

The political parties, citizens and especially war-crime victims and witnesses in my country, have carefully followed the work of the ICTY, reflecting the impact it has had on their everyday lives. Many families, in all ethnic groups in the region and especially in my country, suffered during the 1991-1995 war. Every just decision of the ICTY helps in some way to lessen the pain and suffering of the war-crime victims and their families. Let us never forget the atrocities that were committed in Bosnia and Herzegovina: mass murder, mass rape, ethnic cleansing and even genocide, which the ICTY proved to have occurred for the first time in Europe since the Second World War: the Srebrenica massacre. This also is included in the indictment against Milosević.

For many in Bosnia and Herzegovina, especially for the war-crime victims, their relatives and friends, ICTY activities are the only hope that justice will be attained. We also expect that the work of the Truth and Reconciliation Commission in Bosnia and Herzegovina will complement the Tribunal's activities.

However, we are very disappointed and seriously concerned by the fact that 26 publicly indicted war criminals still remain at large. We should not forget that Slobodan Milosević was extradited to the Tribunal after his political programme had failed and after he had lost the presidential elections. The fact that 26 publicly indicted war criminals in Bosnia and Herzegovina, particularly Radovan Karadzic and Ratko Mladic, and many more in the region, remain not only at large, but also in position to influence political and economic developments, is a sign that their political programmes based on ethnically cleansed territories are still alive.

The extreme radical nationalists in the region lost the last elections. They have temporarily hidden their wartime objectives, mainly because of the international pressure and fear of ICTY activities. However, the fact that the 26 accused and the many who orchestrated ethnic cleansing remain at large means that the seeds of new conflicts and violence in the region remain. Recent evidence of public unrest recorded in the region has clearly shown that the extreme nationalists strongly oppose the work of the ICTY. They publicly argue that the ICTY should prosecute "their war criminals", instead of the "unjust" indictment of "our heroes".

Today, a changed political environment exists in South-Eastern Europe, reflected in the improved cooperation between the ICTY and the States in the region. However, the international community should not ignore the fact that the parliamentary majorities, in Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia, on the issues related to the work of the ICTY, are fragile. Therefore, the international community should continue to support, both politically and financially, the work of the ICTY, stressing again and again that the activities of the ICTY are based on human rights and the rule of international humanitarian law, thus preventing political manipulation of the work of the Tribunal.

It is crucially important that the international community take a leading role in the arrest of the already-indicted war criminals. At the same time, it will be proof of its credibility in the region. Its readiness to attach the utmost priority to making their arrests will be proof of its commitment to universally accepted ethic and moral values.

In principle, war criminals and terrorists are the same sort of people. The anti-terrorist alliance has shown that it is possible to organize coordinated actions against terrorists who use barbaric acts against innocent civilians to achieve their political objectives. A similar alliance to accompany the work of the ICTY, incorporating local institutions and international organizations in a just fight against war criminals, is needed now more than ever in South-Eastern Europe.

We are aware that many more suspected war criminals in the region have to be prosecuted either by the ICTY or by the authorized national courts. The Government of Bosnia and Herzegovina welcomes the ICTY initiative to process some of the cases by the local judiciary structures under the auspices of the ICTY, suggesting that the Court of Bosnia and Herzegovina, which was established by the High Representative's decision, should be the first institution in the country for delegating such a task.

The United Nations is planning to conclude its current Mission in Bosnia and Herzegovina by the end of next year. Plans for transferring United Nations-led activities to the other regional organizations already active in the country are being prepared now. The position of the Government of Bosnia and Herzegovina is that the prosecution and trial of the indicted war criminals in the region should continue to be a United Nations responsibility, especially in light of the universal importance of the ICTY mandate after the tragic events of 11 September. The remarks and the proposals I have expressed on behalf of the Government of Bosnia and Herzegovina in this address to you today should have justified this stand.

The President: As was agreed in our prior consultations, the format for the remainder of this meeting will take the form of an interactive dialogue. As a result, no list of speakers for members of the Council has been drawn up. Let me invite those members who wish to make comments or address questions to Judge Jorda, Judge Pillay and Ms. Del Ponte to so indicate to the secretariat from now on.

Mr. Mahbubani (Singapore): I did not intend to be the first speaker, but I find that unless one raises one's hand very quickly one may end up being the last speaker. Madam President, I would like to join you in thanking Judge Jorda, Judge Pillay and Ms. Del Ponte for the briefings they gave us. The work being done by them is extremely important. I think that when the history of the twentieth and twenty-first centuries is written, it will be said that these Criminal Tribunals have in a sense advanced the frontiers of human civilization, because they have ended the culture of impunity and have shown clearly that mankind will no longer accept the kind of barbaric behaviour that we saw in Rwanda and the former Yugoslavia.

Given the importance of the work being done by these two Criminal Tribunals, we need to reflect deeply and think hard on how they are progressing. I am pleased that when Judge Jorda spoke to us earlier, he began his remarks by saying that he would like to engage in in-depth reflection, and he asked some questions along those lines. In that spirit, I will comment on the presentations and raise some questions.

The only problem we have is that the Council itself, unfortunately, is not a very reflective institution. It tends to function on autopilot most of the time. When the Council makes a decision, it is as if the train has left the station and nothing can be done to change its direction. However, if the Council does not pass judgement on the progress of these two Tribunals, it will be the court of public opinion that will pass judgement on their work. The Council, in turn, will have to be accountable to the court of public opinion.

Unfortunately, if one wanders along the corridors of the United Nations listening to discussions on these two Criminal Tribunals, there seems to be some bewilderment about the rate of progress that has been made so far. To be fair, I think all of the speakers have addressed this question. Indeed, Judge Pillay said a question asked by many members of the Council is why the output of judgements is so low: a single judgement this year and just eight in the four years since the trials started in 1997. In the case of the ICTY, I believe there have been 26 convictions and five acquittals in the same period.

If one looks at this output, the obvious question is whether these Criminal Tribunals will succeed in accomplishing the main goal for which they have been set up — to deter future genocidal leaders and send them a message that if they repeat what has been done in Rwanda or the former Yugoslavia, they will be hauled to court. For this goal to be accomplished, justice has to be swift and effective. If this is the result after five, six or seven years, the deterrent impact will be lost.

Fortunately, we have some good news. Undoubtedly, the detention and trial of Milosević are having a dramatic impact on the whole world. This single arrest has made a louder statement than those made by many of the other arrests. But it must be accompanied by other, equally important arrests; I believe references have been made to General Mladic and Mr. Karadzic and other high-level figures, and also to those regarding whom the Security Council has passed resolutions.

The more important point I intended to make here is the following. If this is the record of what the Criminal Tribunals have achieved after four to five years, what will be the long-term impact with regard to future decisions by the international community? When we consider such places as Sierra Leone, Cambodia or East Timor, where, as we know, atrocities have been committed, if any suggestion is made that we set up similar criminal tribunals, the international community walks away. It says we have already had two very expensive criminal tribunals; can we afford to have equally expensive criminal tribunals in other areas? So the impact of the work of these Tribunals is not limited to Yugoslavia or Rwanda; it extends to other areas in which we have seen similar massacres, similar barbaric actions.

I hope this point will be borne in mind as the work of the Criminal Tribunals progresses, because a great deal of attention will be paid to the expenses incurred by these courts. Here, I am pleased to see that efforts are already being made. I understand that seminars are being held in Dublin, Ascot and other places to look at how the courts are progressing. I hope that as a result of the lessons learned, administrative costs will be reduced and people will see that a significant change is taking place in how the courts are administered.

At the same time, I think a very important suggestion was made by Judge Jorda when he said that with the improvement of the domestic courts in the former Yugoslavia, we should also consider whether some cases can be transferred to the local courts so that the Criminal Tribunals can focus on the major cases. I understand that this will be a bit more difficult in Rwanda, but, as Ms. Del Ponte pointed out, as part of the traditional *gachacha* process in Rwanda, 11,000 local jurisdictions involving 260,000 local judges will be will be dealing over a three-year period with 120,000 perpetrators of the genocide.

One useful indicator as to the effectiveness of our work is a comparison of the costs of these local processes, which are doing very important work, with the costs of the International Criminal Tribunal of Rwanda to see how we can ensure a fairer allocation of resources, with the goal being to punish all those who were responsible for the genocide in Rwanda.

Finally, I think we may not have time in this meeting to reflect on what we have or have not learned as a result of today's discussions. However, in the wrap-up session at the end of the month, I will suggest some questions that we should address when we meet again next year to review the progress of these Criminal Tribunals.

Mr. Ryan (Ireland): I would like to record Ireland's warm appreciation for the comprehensive briefings the Council has received this morning from Judge Jorda, Judge Pillay and Chief Prosecutor Del Ponte.

Ireland has been following with the greatest interest the work of both Tribunals since they were established. We are honoured that an Irish national, Maureen Harding Clark, has been appointed as a serving ad litem judge at the International Criminal Tribunal for Yugoslavia (ICTY). My Government was

pleased to provide financial assistance towards hosting the second annual retreat of the judges of the ICTY and the International Criminal Tribunal for Rwanda (ICTR) in Dublin last month. The work of both these Tribunals remains of central importance in the parallel quest for justice and genuine national reconciliation. The past 12 months have witnessed a considerable increase in the judicial activity of both Tribunals.

Judge Jorda has advanced interesting and pragmatic ideas, in the context of developing circumstances in the region, for possibly spreading the burden of the ICTY. We look forward to further development of those good ideas. They could contribute to ensuring that the overall work of the Tribunal is completed within a reasonable time frame. The idea to establish a special court in Bosnia and Herzegovina is a very interesting one, and we look forward to hearing of further developments in that regard.

I fully agree with Judge Pillay's emphasis on the need to maintain an essential balance between efficiency and the need for thorough judicial process. Ireland is supportive in principle of the proposal to establish a pool of ad litem judges for the ICTR. The appointment of such judges could assist in alleviating the workload of that Tribunal.

Like others, we have been slightly concerned at the possible high number of future indictments, as referred to in the ICTR ad litem judge proposal. It has been helpful to hear the comments of the Chief Prosecutor Del Ponte in that regard, as well as the observations made by President Pillay. At the same time, I have noted Judge Pillay's understandable and legitimate desire for an early decision. It would perhaps be very interesting to hear in more detail, in due course, about the idea touched on of finding appropriate alternative judicial locations, which could contribute to the efficiency of the Tribunal's work and speed the overall process while ensuring, full judicial efficacy in all cases. I note that the ad litem judge proposal could achieve an overall 2007 target for the Tribunal's work. This is certainly very attractive, if it could be achieved.

Chief Prosecutor Del Ponte's elaboration this morning of overall prosecution policy has been very helpful. It is persuasive and is supportive of the processes and the proposals described by Judges Jorda and Pillay. These are complex challenges with important implications, some of which have been pointed out by my colleague from Singapore. However, I believe that today's exchanges will enable further consideration in a positive and appreciate overall atmosphere in the Security Council.

Mr. Strømmen (Norway): I would also like to thank the Minister of Justice of Rwanda, Judge Jorda, Judge Pillay, Prosecutor Del Ponte and the Permanent Representatives of the Federal Republic of Yugoslavia and of Bosnia and Herzegovina for their interventions this morning.

Our appreciation for the work of the two Tribunals was expressed yesterday during Norway's statement in the General Assembly's discussion of the two Tribunals' reports. The judgements of the Tribunals meet high standards and represent important contributions to international jurisprudence regarding the prosecution of the most serious international crimes. The experiences obtained so far through the work of the Tribunals constitute a stepping stone towards the forthcoming establishment of the International Criminal Court.

Our common goal is the timely fulfilment of the mandates of the Tribunals. In that regard, I would like to direct a few brief questions to the President of the International Criminal Tribunal for Rwanda (ICTR), Judge Pillay, relating to the proposal before the Council to supply the ICTR with 18 ad litem judges.

We acknowledge the resource-consuming nature of trying the most serious international crimes. We accept that the turnover of cases cannot be expected to be comparable to the administration of justice in our own national systems with regard to ordinary crimes. We also note with satisfaction the significant improvement in the performance of the Tribunal after the implementation of methods to streamline the conduct of business.

As regards the proposal for ad litem judges, we have a generally positive approach and are prepared to consider carefully how such methods could be implemented. My question in this regard is whether we have seen the full effect of the administrative measures already implemented. In other words, do we need ad litem judges now or should we consider further the effects of the measures taken? Along the same lines, would we not need a somewhat more clear picture of the number of new trials to be expected before deciding on how to proceed?

My second point refers to paragraph 99 of the Tribunal's report (A/56/351), regarding the relationship between the ICTR and the authorities of Rwanda. The Minister of Justice of Rwanda spoke today about the national legal system in Rwanda and its relationship to the crimes in question. Could the President elaborate a little on the Tribunal's present and planned cooperation with the Rwandan authorities aimed at preparing for the situation after the Tribunal's mandate has been fulfilled?

My third point has to do with the Outreach Programme of the ICTR, which we feel is an essential complement to the main public information activities of the Tribunal. Norway welcomes the continuous developments and improvements in the Programme. We encourage all States to support actively the continuing work of bringing the judicial process and its results closer to the civilian population of Rwanda. Could the President indicate what she sees as the main challenges to the Programme in the future and what the Council and the general membership of the United Nations, in general, can do to help?

Mr. Valdivieso (Colombia) (*spoke in Spanish*): I want to express my gratitude for the very interesting presentations we have heard from Prosecutor Carla Del Ponte, Judge Pillay, Judge Jorda, the Minister of Justice of Rwanda and the Ambassadors of Yugoslavia and of Bosnia and Herzegovina.

It is clear that we are reviewing the performance of the two Tribunals at the best possible time with regard to results. As is well known, things take place slowly in the administration of justice. But there is also an opportunity to reap the harvest. We share the opinions of the judges and of the Prosecutor with regard to the fact that this is the situation in which both bodies now find themselves.

We can see quite clearly that the reforms have been useful and that the effort to authorize changes to the original statute have been quite worthwhile. We are also convinced that the same should be done with regard to the International Criminal Tribunal for Rwanda (ICTR). The ICTR too must undergo a phase of reform and of streamlining its processes. We also hope that the time will come — preferably sooner rather than later — to appoint new ad litem judges.

We share the Prosecutor's view that it is necessary to maintain, and even accelerate further, the investigation and trial phase. We cannot really accept the view that terrorism is the subject of the day and that therefore everything else becomes secondary. On the contrary, it is clear that there is an imperative need to move forward in carrying out those investigations and bringing those aberrant cases to trial.

We know that reconciliation cannot occur if the subject of impunity is not tackled. Therefore, it is essential to heed the appeal made by the Prosecutor.

There are basically two questions that I would like to ask following these general views I have put forward. The first question relates to the Truth and Reconciliation Commission in Bosnia and Herzegovina, which, as we can see from the report, the Tribunal supports. We would like to know what the relationship of that Commission would be with the work of the Tribunal. What might be the international component of the Commission? What about financing issues? Also, might it be possible to extend this mode to other cases, such as that of Yugoslavia? I am referring to the Truth and Reconciliation Commission.

My second question pertains to the relationship with Belgrade, which has been mentioned on a number of occasions. As the Ambassador said, there has been progress, but there is also one case that has been commented upon on a number of occasions — the case of Mr. Milosević, which in its current stage obliges us to continue to reflect on how to improve the relationship. The report mentions the re-opening of the Office of the Prosecutor in Belgrade. It has also been said that access has been allowed to witnesses and that there are adequate conditions.

When it comes to the application of justice, we need to make progress. As we have said many times in this Council, that same kind of relationship is essential at the political level. It has been said — and we will be repeating it this afternoon — that it is necessary to strengthen the relationship, for example, between the Security Council on United Nations mission, in Kosovo and the Federal Government. This is also something that has been analyzed a great deal and that has yielded good results.

I would like to ask whether coordination between the Tribunal, including the Office of the Prosecutor, with the United Nations Interim Administration Mission in Kosovo — I am mentioning this because it is something significant to this Council — could improve the cooperation between the Tribunal, especially the Office of the Prosecutor and the Federal

Government. There might be some capacity there to work in the right direction of having greater cooperation in the specific case of the Federal Republic of Yugoslavia, the Tribunal and the Office of the Prosecutor.

Mr. Lavrov (Russian Federation) *(spoke in Russian)*: I would like to express our gratitude to the President of the International Criminal Tribunal for the former Yugoslavia (ICTY) and the President of the International Criminal Tribunal for Rwanda (ICTR), Judges Jorda and Pillay, and also the Prosecutor, Carla Del Ponte, for their comprehensive briefings on the work of the Tribunals.

As is well known, the Tribunals were established by the Security Council as temporary judicial bodies, with a view to restoring and maintaining peace in those regions, to holding accountable the main perpetrators of serious international crimes and to promoting national reconciliation. It is quite obvious that the deadline sketched out for those bodies is now expiring. Such a lengthy existence of ad hoc Tribunals becomes increasingly difficult to justify, from both the political and practical points of view.

As far as the ICTY is concerned, the most timely issue at present is the establishment of a final deadline for its temporary jurisdiction. This task was supported by the Security Council in its resolution 1329 (2000). The Russian Federation has made concrete proposals in this area, and we are counting on the Council to continue its consideration with a view to reaching a consensus.

The ICTR, first and foremost, faces the task of enhancing the effectiveness of its activity. Of course, the Tribunal has recently increased its capacity for the trial process, and we note the measures undertaken for significant improvement of its administrative and management capacity. At the same time, a great deal remains to be done.

We are carefully studying the proposal of the President of the ICTR that the institution of ad litem judges be introduced into the Tribunal. Naturally, this request deserves comprehensive consideration by the Security Council, equal to that given a similar request last year by the judges of the ICTY. I would like to emphasize the rule — based on the United Nations Charter and other fundamental norms of international law — that the primary responsibility for punishing those guilty of war crimes and other serious international crimes remains with States, and this fact remains unshakeable. International criminal courts in this case play an important but subsidiary role, since they are not in a position to replace national systems of justice.

At the current stage, we will strive towards more active involvement of the national court systems of the States of the former Yugoslavia and Rwanda. The Tribunals need to focus on specific crimes where, for various reasons, States are not in a position to conduct investigations independently.

In this connection, we cannot agree with the fact that the Prosecutor has virtually already set up a timetable for conducting numerous additional arrests for some years to come. If such an approach were retained, even bearing in mind the ad litem judges, the ICTY and the ICTR could function for a very, very long time to come. We doubt the legal validity of such plans. It is very difficult, for example, to believe that all 136 people recently coming under suspicion by the Office of the Prosecutor really are the major organizers and instigators of genocide on the territory of Rwanda.

We also have questions about the validity of the Prosecutor's plans to conduct at least 36 more investigations by the end of 2004 with regard to the 150 suspects in the former Yugoslavia. The continuation of such a policy would in fact mean a loss of confidence in the national court systems of the Balkan States and Rwanda.

We note with satisfaction that today the Presidents of the ICTY and the ICTR and the Prosecutor talked about the need for further reliance on national legal systems. We hope that these words will be translated into practical steps with regard to the Tribunals' activities.

We also would like to recall that the Security Council, in its resolution 1329 (2000) — which established the institution of ad litem judges in the ICTY — took note of the position of the Tribunals regarding the fact that they must try the leaders and not the secondary figures. The aforementioned policy of the Prosecutor seems to us a departure from the positions of the Tribunals themselves as set forth in the resolution. At the same time, I would like to say that the ICTY and the ICTR should not go beyond the sphere of their competence. They should not pass political judgement on the nature of the cooperation of States with the Tribunals.

With regard to the ICTY, all the States of the former Yugoslavia recently have been showing readiness for constructive cooperation with the ICTY. This establishes a good basis for the earliest possible conclusion of that body's work.

We have also drawn attention to reports in the Yugoslav news media that Ibrahim Rugova intends to give the Security Council information on the training of terrorists in the territory of Kosovo. In the same reports there is mention that the ICTY thus far has not begun any investigations of former members of the Kosovo Liberation Army, which carried out reprisals against Serbs after the introduction into the province of international forces in June 1999. Now many of these figures are preparing to enter the Government of Kosovo that is being formed. Thus, we trust that the Yugoslav Tribunal will increasingly rely on cooperation with the national court systems of the countries of the region and will give greater attention to investigations of crimes on the territory of Kosovo.

Mr. Shen Guofang (China) (*spoke in Chinese*): At the outset, I would like to welcome the presence in the Council of Judge Jorda, President of the International Criminal Tribunal for the Former Yugoslavia (ICTY), Judge Pillay, President of the International Criminal Tribunal for Rwanda (ICTR), and Ms. Del Ponte, Prosecutor for both Tribunals, and to thank them all for having briefed us on the work of the two Tribunals over the past year.

Both the ICTY and the ICTR were created with two objectives. On the one hand, they are to conduct fair trials of those responsible for serious violations of international humanitarian law. On the other hand, the Tribunals are to promote peace and reconciliation in the regions concerned. The relevant Security Council resolutions have all emphasized the role of the two Tribunals in promoting national reconciliation and restoring peace and security in the regions in question. Both Tribunals should bear in mind this dual function in carrying out their work, and should accomplish their mission in an impartial and comprehensive manner.

Both Tribunals have made important headway in their work in many respects. In particular, both have made appropriate changes or adjustments to their rules and procedures, which helped enhance their efficiency and expedite their trial proceedings. Security Council resolution 1329 (2000) amended the statutes of the two Tribunals and created a pool of ad litem judges for the ICTY. It is our hope that with the assistance of the ad litem judges, the ICTY will basically be able to complete all the trials by 2007, and to finish thereafter the relevant appeals proceedings as soon as possible.

We have noted that the ICTR's efficiency is also being gradually improved. However, the ICTR is still overloaded with cases. We agree in principle on taking the necessary measures to increase the trial capacity of the ICTR. But such an increase in capacity is not for handling endless new indictments to emerge in the future; it is for expediting the trials of those already being detained. We would like to express our concern over the Prosecutor's intention to carry out investigations that would bring about 136 new indictments by 2005, and we hope that the Prosecutor will provide the Security Council with more detailed information on the cases she intends to pursue.

Finally, I would like to emphasize that the two Tribunals were created by the Security Council as ad hoc bodies. They cannot exist indefinitely. We hope that the two Tribunals can enhance their efficiency. The Security Council, at an appropriate time, should carefully consider the question of what should constitute a reasonable time frame for the two Tribunals to accomplish their respective mandates.

Mr. Jerandi (Tunisia) (*spoke in French*): Let me at the outset join the other delegations in welcoming Judge Jorda, Judge Pillay and Chief Prosecutor Del Ponte. I thank them for their very detailed statements on the situation and the activities of the International Criminal Tribunal for the Former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR).

Judge Jorda told us that the priorities of the Tribunal should be rethought and proposed a few lines of thought that we find very interesting, especially as regards the new international dynamic in favour of the joint struggle against terrorism in all its forms and, of course, regarding the huge amount of work before the Tribunal and its capacity to double the number of trials in order to complete the proceedings of the Trial Chamber by 2007.

You have made this conditional, Judge Jorda, inter alia, on increased cooperation by the States of the region. These are important problems that you have raised — problems that have also been raised by Prosecutor Del Ponte. In this framework, we need to think about the means that could possibly be used to

encourage the States of the region. This also applies to Judge Pillay regarding the Tribunal for Rwanda. We need to think of how States might be encouraged to increase their cooperation with these Tribunals.

Judge Jorda also proposed that national reconciliation commissions could play a role in this framework. We agree with this, but it should be emphasized here that these commissions must not replace the action of justice, which is the only way to reconciliation. We have experienced the positive effects of justice on efforts for reconciliation, which themselves remain very important, throughout the missions on which the Security Council has embarked — in Timor, Rwanda, Burundi, Kosovo and elsewhere.

The relocation of certain cases will require judicial systems to be brought up to standard in the States of the former Yugoslavia, as you yourself emphasized, Judge Jorda. Do you believe that they could be brought up to standard by 2007?

In Rwanda as in the Balkans, our objective is to achieve peace and reconciliation while giving pride of place to justice. We think, however, that it would be dangerous if trials were to be unduly prolonged. We consider it necessary that all those who have been accused be brought to justice without excessive delays. It is important to ensure the reliability and quality of trials. President Pillay proposed in her report that the Council envisage creating, as the ICTY did, a group of ad litem judges that would make it possible to expedite judicial proceedings and to alleviate the Tribunal's workload. Judge Jorda indicated to us yesterday that the addition of 27 ad litem judges for the International Criminal Tribunal for Yugoslavia will make it possible to double the capacity of the Tribunal. We think that a similar solution could also be the right answer for the problems of the International Criminal Tribunal for Rwanda.

Mr. Maiga (Mali) (*spoke in French*): I should like to welcome to the Council the Minister for Justice of Rwanda and to thank Judges Jorda and Pillay and Ms. Del Ponte, the Prosecutor of both Tribunals, for their comprehensive briefings on the work and activities of the Tribunals and the indictments of those responsible for serious crimes committed in the territories of the former Yugoslavia and Rwanda.

My delegation believes that the International Criminal Tribunals for the Former Yugoslavia and Rwanda have a special responsibility and must be both functional and effective to that end. Indeed, the work accomplished by these Tribunals is extremely important in that, through their institutions, they seek to put an end to the culture of impunity that is still enjoyed by some who have committed the most hateful crimes in Rwanda and Yugoslavia. Through their roles, they are pioneers, in the primary sense of the word, in setting the stage for the establishment of the International Criminal Court, which, in the view of Judge Jorda, is extremely imminent. Similarly, the Tribunals are helping the United Nations in the creation of jurisdictions for Sierra Leone and Cambodia.

With regard to the International Criminal Tribunal for Rwanda, we believe that its mission is to dispense justice in order to contribute to the restoration of peace in the Great Lakes region and to reconciliation in Rwanda, which are priorities of the Security Council. To that end, the Tribunal is working to implement its mandate speedily, effectively and diligently. We believe in the timeliness of the proposal to amend the Tribunal's statute so as to establish a pool of 18 ad litem judges in order to strengthen its capacity to render verdicts, in view of its caseload. My delegation therefore wishes at this stage to express its satisfaction to the President of the Tribunal and her colleagues for the proposal to improve the Tribunal's functioning and effectiveness. My delegation welcomes the proposal and expresses the hope that the Council will soon take a decision on the proposed amendment so as to strengthen the effectiveness of the work of the International Criminal Tribunal for Rwanda. In so doing, we are of the view that the Council would thereby help the Tribunal to accomplish its work within a reasonable time-frame.

With respect to the International Criminal Tribunal for the Former Yugoslavia, we welcome the reforms under way, referred to by Judge Jorda at some length in his briefing this morning. These reforms should enable the Tribunal better to carry out its mandate and, in the long run, to assist reconciliation in the Balkans. In the same vein, my delegation is pleased with the important political changes that have occurred in the Balkans, allowing for the recent arrest and transfer to The Hague of Slobodan Milosević. We feel that this not only demonstrates the readiness of the Federal Republic of Yugoslavia to comply with its international responsibilities, but is also a concrete sign of a substantial and sustained improvement in the

cooperation which the Tribunal can hope to receive. As we can see from the Tribunal's report, it is also an event of great historical significance. For the first time ever, a former head of State is being tried under international legal jurisdiction for criminal acts committed when he was in office.

However, we remain gravely concerned by the fact that some well-known indicted criminals have not yet been apprehended, even when, in some cases, their indictments are more than five years old. We therefore call upon all States to offer their full cooperation so that we may achieve a lasting and genuine peace in the Balkans.

The cooperation of Member States, we feel, is of crucial importance to the success of the work of the Tribunals, which, as we know, have no real means of coercion and depend entirely on States in that regard. States should therefore arrest and bring to justice before the Tribunals those in their territories who have been accused. As Judge Jorda reminded us, these people gravely threaten the international public order, of which our Council is a guarantor.

The cooperation of States is even more crucial with regard to the judgements of the International Criminal Tribunal for Rwanda. In that connection, I would assure Judge Pillay that the authorities of Mali are prepared to deal with the five people condemned by the International Criminal Tribunal for Rwanda, whom she mentioned in her statement, and we appeal to other Members of the United Nations to strengthen their cooperation with the Tribunal.

Through you, Madam, I would like to pose some questions to our guests.

My first question refers to the statement made earlier by the Minister for Justice of Rwanda to the effect that the crimes being prosecuted by the Tribunal for Rwanda were perpetrated in that country some seven years ago. We wonder whether, seven years after the Tribunal began its legal work, it might not be time for it to be transferred from Arusha to Kigali, since its principal mission is not solely to dispense justice, but also to work for reconciliation in Rwanda and the Great Lakes region. Would it not therefore be timely to consider today the transfer of the Tribunal's headquarters from Arusha to Kigali?

My second question is for the Prosecutor. We all know that the two Tribunals share the same Prosecutor's Office. The crimes under their jurisdiction were committed in Africa and in Europe, but, after so many years of existence, the Tribunals continue to share the same Prosecutor. In view of the experience acquired by the Office of the Prosecutor and given the heavy caseloads of both Tribunals, would it not be appropriate for us to consider giving each its own Prosecutor's Office to address matters of exclusive interest to each?

Mr. Jingree (Mauritius): I would like to take this opportunity to welcome Judge Jorda, President of the International Criminal Tribunal for the Former Yugoslavia (ICTY), Judge Pillay, President of the International Criminal Tribunal for Rwanda (ICTR) and Chief Prosecutor Del Ponte to the Security Council Chamber today. I thank our three guests for their comprehensive and useful briefings on the progress of work and the activities of the Tribunals and on the state of the prosecutions under way against those responsible for serious crimes committed in the territories of the former Yugoslavia and of Rwanda.

The Tribunals were established to bring to justice all those guilty of war crimes and they play a crucial role in the promotion of human security by ending impunity. Both Tribunals have historic responsibilities; it is important that they function properly and enjoy the highest credibility. The effectiveness of the Tribunals is an important factor in the prevention of conflicts and should serve as a warning to potential perpetrators that war crimes and crimes against humanity will not go unpunished.

Allow me to address the ICTR first. My delegation takes note with satisfaction of the remarkable improvement in the performance of the Tribunal in spite of its limitations and the delays encountered at the beginning. It is encouraging to hear that since the first trials started in 1997, the Trial Chambers of the ICTR have rendered eight judgements in respect of nine accused. However, the extremely heavy workload of the ICTR is a cause of concern for my delegation. It is important to match the need to respect the rights of the accused with that of meeting the expectations of the victims, of Rwandan society and of the United Nations.

Mauritius therefore fully supports the request for ad litem judges for the ICTR to allow the trials of most of the present detainees to begin in 2002. That would greatly help to prevent any further delay in the work of

the ICTR; we should not forget that justice delayed is justice denied. My delegation believes that Judge Pillay's request for a pool of 18 ad litem judges for the ICTR would help in reducing the time period for completing the trials of all those persons who are currently being prosecuted or who will be prosecuted in the future before the Tribunal. We should also not forget that, with the evolution of the peace process in the Democratic Republic of the Congo, the imminent demobilization of the members of the former Rwandan Armed Forces (ex-FAR) and Interahamwe may give added responsibilities to the ICTR.

I turn now to the ICTY, which is doing a commendable job in serving justice and in bringing about significant changes in the political scene in the Balkans. The prosecutors of he ICTY recently confirmed that they had filed a new indictment against former President Milosević, charging him with genocide and other crimes allegedly committed in Bosnia and Herzegovina. That clearly demonstrates the seriousness with which the ICTY is undertaking its responsibilities. My delegation expresses the hope that all countries of the former Yugoslavia will cooperate fully with the ICTY to further the cause of justice and reconciliation in the Balkans.

We also agree with Judge Jorda that, given the new perspectives in the Balkans, there is a need to give serious consideration to the promotion of the new national reconciliation processes that the Balkan States are setting up, such as the truth and reconciliation commissions.

The experience gained through the ICTR and the ICTY has significantly influenced the idea of establishing a Special Court for Sierra Leone to prosecute persons who bear the greatest responsibility for the commission of crimes against humanity, war crimes and other serious violations of international humanitarian law within the territory of Sierra Leone.

Finally, the work of the two Tribunals has confirmed the pressing need for the early establishment of the International Criminal Court as the competent international forum for the trial of alleged perpetrators of crimes.

Mr. Eldon (United Kingdom): As the time is getting on, I shall try to keep my remarks very brief. My thanks go first to our three briefers today: the Presidents of the two Tribunals and the chief Prosecutor. I am sorry that other business meant that I had to leave the room for some of their presentations, but I have been fully briefed by my delegation as to what was said. I think it was a particularly useful set of interventions, especially what we heard from Ms. Del Ponte about her plans for future prosecutions. It was very helpful, as others have said, to have that analysis and to hear about that intention.

The United Kingdom is strongly committed to both Tribunals. I do not need to repeat the details, but I want to assure those three invited guests and the Minister of Justice of Rwanda that that commitment will not waver, and that they can expect our continued support. We were pleased to hear about the progress made with internal reforms, particularly from the Presidents of the two Tribunals. We very much appreciate the efforts that are being made to maximize the use of resources — for example, the court rooms.

But as others, notably Ambassador Mahbubani of Singapore, have said, this needs to be a continuing process. The escalating budgets of the Tribunals remain, for us, a cause of concern. That said, we commend the recent initiatives that have been taken, for example the meetings of the judges from the two Tribunals, and the Web site of the International Criminal Tribunal for Rwanda (ICTR). All of those things are very helpful.

But, as others have said, we must remain focused on bringing the key perpetrators to justice. The Milosević trial is clearly going to be a landmark event, and we note that the indictment now includes the crime of genocide. It is clearly central that we secure the detention of the remaining indictees still at large, particularly Messrs. Karadzic and Mladic. In that regard, it is very helpful that Ms. Del Ponte has worked so hard to develop cooperation with the former Yugoslav States. We listened carefully to her comments about this — some encouraging and some, frankly, rather disappointing.

I would like now to say again to the Governments of the region how important it is that they cooperate with the Tribunal. I would like to emphasize again the Tribunal's importance in bringing peace, justice and reconciliation to the Balkans, and in helping safeguard the stability of the region.

On ad litem judges: it is encouraging that those now integrated into the International Criminal Tribunal for the Former Yugoslavia (ICTY) have made a good start. We are willing to give consideration to the

proposal for similar ad litem judges in the ICTR. But that investment, if approved, will need to show rapid results in a much swifter throughput of cases and in demonstrating clearly that a greater sense of urgency now exists.

It is important that we should all keep thinking about the exit strategy. We need to do that, however, while demonstrating that there is no diminution in our commitment to justice for the victims of war crimes in the two regions. We must, as I said before, concentrate on the main offenders and avoid indictments for lesser offenders, which should ultimately be dealt with by national courts. It was helpful to hear Ms. Del Ponte's forecasts in that regard, particularly for the Rwanda Tribunal, but I want to emphasize once again the point about concentrating on the main perpetrators.

Finally, we recognize that the mandate of the ICTY embraces the whole of the former Yugoslavia and that the Tribunal should and must be seen to be taking an interest in contemporary events. But, as I think others around the Council table have said, the long-term objective should be for national courts to prosecute new cases.

Mr. Doutriaux (France) (*spoke in French*): We thank Judge Pillay, Judge Jorda and Ms. Del Ponte for their briefings. I wish to comment on both the International Criminal Tribunal for the Former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR).

With respect to the ICTY, we thank Judge Jorda for reminding us of the reforms that are under way with a view to enhancing the effectiveness of the Tribunal. At present, the reforms are being fully implemented, which is making it possible to expedite the cases brought before the Tribunal. Twenty-seven ad litem judges have been appointed; six of them have already taken up their posts. There have been procedural and evidentiary changes. A Coordination Council and a Management Committee have been established. The Office of the Prosecutor has reorganized its investigative services. All of those are essential reforms, but they alone are not enough.

Here, let me make two comments. All speakers have noted that it is important for the States concerned in the activities of the ICTY further to cooperate with the Tribunal. Indeed, it is their obligation to do so. There has been progress, especially in the Federal Republic of Yugoslavia, where we have seen the arrest and the transfer to The Hague of Mr. Milosević. There has also been progress in Croatia. On the other hand, the issue of cooperation is a concern with respect to Bosnia and Herzegovina, and especially the Republika Srpska, where persons accused by the Tribunal have not been arrested; there is every reason to believe that they are hiding in the Republika Srpska. In that connection, Mr. Karadzic, Mr. Mladic and 29 other fugitives were mentioned here today.

Another comment — one also made by many other speakers — it would be best if the Tribunal, in order to fulfil its function and mission in the shortest possible time, concentrated more on the individuals primarily responsible, the main organizers and planners of crimes. This was also stressed by the Security Council in resolution 1329 (2001). Those who simply carried out orders should be judged by competent national authorities, as was made possible by the rules of procedure and evidence of the Tribunal for Yugoslavia, which allows the Tribunal to suspend charges in a given case in order to allow a national tribunal to take up the case.

I have a question for the Prosecutor, if there is enough time. How does she envisage the division of respective responsibilities with the local tribunals?

I also have some comments on the Criminal Tribunal for Rwanda. We note encouraging signs of the Tribunal's activities. However, from July 2000 to June 2001, a single judgement was rendered by the Tribunal, which is not enough. Naturally, we expect progress from recently implemented reforms, but there are still a number of difficulties.

We are willing to examine the proposal of President Pillay to create 18 ad litem judges. However, tangible results of such a proposed reform should be ensured. We would need to be able to better evaluate the impact of the reforms already made by the Registrar or the Prosecutor. It should also be seen to what extent other reforms can be envisaged, in particular by means of new modifications to procedure to speed up the Tribunal's activities.

Above all, it is indispensable that the Prosecutor's intentions on the subject of prosecutions be more precise and better defined. Ms. Del Ponte and other speakers have cited the figure of 136 new inquiries. Bearing in mind the restricted competence of the Tribunal for Rwanda, which is limited to 1994, we consider this figure to be excessive. In the case of

Yugoslavia, we should limit ourselves, as stated in resolution 1329 (2000), to those primarily responsible for the genocide: to those who conceived and planned it. The cases of those who simply carried out orders should be deferred to the competent national authorities. I am thinking in particular of the process that the Minister for Justice of Rwanda has mentioned: the *gachacha* tribunals, whose relevance should be underlined in this regard.

Mr. Herasymenko (Ukraine): I would like to welcome Judge Pillay, Judge Jorda and Chief Prosecutor Del Ponte and to thank them for their comprehensive and interesting briefings. I also wish to take this opportunity to pay tribute to all the judges of the Tribunals for their dedicated work and tireless efforts in discharging their mandate.

We note with satisfaction the continuous implementation of the reform process of the International Criminal Tribunal for Yugoslavia (ICTY) and the efforts of the Tribunal to speed its judicial work to allow it to complete its mission by 2008. We would like to emphasize that the ICTY can play an important role in the process of reconciliation and restoring peace in the region through the strengthening of national judicial systems in the Balkans. We fully agree with the conclusion of the Tribunal that while it cannot try all those who perpetrated serious violations of international humanitarian law, its work must be picked up by the domestic courts.

My delegation has consistently emphasized the importance for the Tribunal to fully use the existing mechanisms under the statute and its rules of procedure and evidence to defer its competence in respect of particular cases to national courts in the former Yugoslavia that have concurrent jurisdiction to prosecute persons for violations of international humanitarian law. The monitoring of the proceedings before national courts by the Prosecutor, coupled with the possibility for the Tribunal to request a deferral of a case to the competence of the ICTY, would ensure the impartiality, fairness and integrity of such trials for national courts. This in turn would substantially relieve the workload of the ICTY and allow it to concentrate on the most prominent cases and the prosecution of those most responsible for the commission of crimes within the jurisdiction of the Tribunal. You have addressed this issue in your statement.

In this connection, I would like to ask how the ICTY is going to otherwise encourage the domestic courts to pick up its work. I would like to underline the importance of these considerations in terms of the future consideration of the exit strategy for the ICTY.

The President: As I indicated earlier, we had intended to have an interactive dialogue, but in view of the comments and questions, I will now ask Judge Jorda, Judge Pillay and Chief Prosecutor Del Ponte to respond in turn to the questions raised and any comments they might also wish to clarify.

I give the floor first to Judge Jorda.

Judge Jorda (*spoke in French*): I would first like to thank the representatives, who, I believe, as they did last year and for several years before, make a contribution and always try to be very close to the developments in our work to help us with their considerations and proposals. Since it is late, I will not take long in order to leave time for Judge Pillay and the Chief Prosecutor to respond more specifically to some of the questions. I have one or two general comments and some more detailed comments on certain issues.

Forgive me if I do not respond to everyone. It seems to me that there is general or near-general agreement on certain points stemming from the interventions and contributions of Judge Pillay and the Chief Prosecutor. It seemed to me that all the representatives, at least those who spoke, were in agreement — I am thinking particularly of what the representatives of China and the Russian Federation said — that an ad hoc tribunal is not a definitive or permanent tribunal and that delayed justice is in itself not good. As was often said when the Tribunal was created and in the 1993 report of the Secretary-General, and as the Council stated again very clearly in resolution 1329 (2000), it is those with high-level responsibility, who planned the ethnic cleansing policies, who should be the first to be prosecuted by the Tribunals, which obviously cannot put on trial the thousands of responsible individuals with blood directly on their hands.

The Council has also said and approved that the local jurisdictions can perhaps now assume responsibility in carrying out international justice. I think that would be good, especially when we can see the future criminal court taking shape.

The Council has also said — echoing our own comments — that the truth and reconciliation commissions have a role to play in the process of national reconciliation.

So because this agreement seems to be general, — perhaps I am overstepping my authority — perhaps it could be the method for organizing this agreement and helping us in the most concrete manner possible. I had suggested in my statement — and perhaps I should apologize once again for going beyond my role — I had suggested, as the Council did last year, that perhaps a working group set up by the Council, which after all created us, could deal with all these questions pertaining to the reform of the ad litem judges. Why? Because on this specific item — the role given to local jurisdictions and particularly the creation of a special court — I think this is a very interesting suggestion — I think that the Council and we ourselves should know what precisely the status is of the reconstitution of local jurisdiction, particularly in Bosnia and Herzegovina. Let us not forget that Ambassador Klein and Ambassador Petritsch are there and can enlighten us on the exact status of the reconstitution of the legal system of this country.

I hope that I have responded to the concerns expressed particularly those of the representative of Tunisia. There, of course, is specific, concrete information on the establishment of the jurisdictions, beyond which — and I agree with Ms. Del Ponte's advice — a special jurisdiction could be established in a form to be decided. Having finished with the methods, I can now respond to certain questions.

First, on the outreach programme, I was happy and gratified to see that many of the Council members, particularly the representative of Norway, were interested in this programme. It is true that is extremely important to inform the populations of the States of the former Yugoslavia on the Tribunal's work. I found a certain contradiction in the proposals of the representative of the Federal Republic of Yugoslavia and in the proposals concerning the same subject by Bosnia and Herzegovina. I found that the proposals of the representative of Bosnia and Herzegovina responded precisely to the proposals and questions made by the representative of the Federal Republic of Yugoslavia.

Yes, yes, the outreach programme is an extremely complete programme that works through the media, particularly through regular television programmes, to inform the population of Bosnia and Herzegovina of the Tribunal's work. While this has not been done for the Federal Republic of Yugoslavia, I would respond that it is simply because thus far cooperation with Belgrade has been almost non-existent. But, of course, I still find encouraging the questioning by the representative of this country, which newly admitted to the international community.

Regarding a concern expressed by the representative of Singapore, I believe that we should remember every time that we speak of establishing a process of international justice not to say, "We will do as we did for Yugoslavia" or "We will do as we did for Rwanda". On the contrary, we should say, "We should hesitate before getting involved in the establishment of a new tribunal". We should think about that, and avoid clumsy expressions, particularly now when the creation of the international criminal court is being discussed.

Finally, I wish to say a couple of words on the Truth and Reconciliation Commissions. They are part of the overall picture. At the beginning, the Truth and Reconciliation Commission was an idea that was not very clear. The Tribunal itself, I would state, witnessed the emergence of these Commissions as a type of competition. Well, I would say to the Council that there is competition regarding national reconciliation. I myself went to Sarajevo last year to encourage the establishment of a Truth and Reconciliation Commission. I must point out that currently a bill is being drafted; in fact, it has been elaborated now for several months. We have had the opportunity to make comments, and we simply said: "Yes to the Truth and Reconciliation Commission", particularly in Bosnia, which is the country where this Commission has made the most progress, on the condition that the competencies of the Tribunal not be violated and that there not be an amnesty plan.

I turn back to the outreach programme, in completing my proposal. I must say that what currently impedes the development of mass media programmes is the fact that we did not include it in the permanent budget, and consequently we are dependent on voluntary contributions from countries.

I wish to thank all who have supported us this morning concerning the Tribunal over which I have the honour of presiding.

Judge Pillay: I thank the representatives for their comments. I shall endeavour to address some of their questions. One that clearly is the concern of many of them is: Would we be in a position to use ad litem judges and would we be in a position to complete our mandate by 2007?

I have prepared a plan that I will leave with you, Madam President, and with the representative of Norway, who raised the particular question. The plan indicates that if, for instance, we had ad litem judges available by April, we could immediately begin five new cases. In other words, we now have 26 trialists awaiting trail. We could try 14 to 17 of that number from April to June next year. That is a reasonable possibility. With the use of ad litem judges, we would be in a position to complete the trials of current detainees by 2004. I have said 2007 for future cases, based on the Prosecutor's estimate.

However, I share the concern raised by members as to the vast number and the uncertainty of who is going to be arrested and whether there are going to be 136 or 45 individual trials. With that precaution in mind, I make a positive prediction that we will be well placed to complete all existing trials of detainees by 2004 and allow a three-year period for new trials.

The other concern that was expressed was the impact of the measures of reform that have been taken. The judges of the International Criminal Tribunal for Rwanda (ICTR), together with the judges of the International Criminal Tribunal for the Former Yugoslavia (ICTY), have moved cautiously towards many measures aimed at expediting trials, but, as the representative of Ireland said in support of this, we have to be very careful not to compromise the interests of fair trial. I would give as a positive example of this the judges' intervention with regard to reducing the numbers of witnesses. Why do you need to call 100 witnesses? Why can't you call 50? That kind of intervention is a positive example of the impact on court proceedings.

A negative, or troubling aspect, is that we need more court management measures in place to address the question of translations. In the media case, for instance, which is ongoing, we are talking about 600 audio-radio broadcasts in Kinya-Rwanda that have to be translated into French and English. An hour before I left to board the plane, a new issue came up — the parties discovered that they were actually sitting with 100 tapes in Kinya-Rwanda of broadcasts of Radio Muhabura, which is the RP of radio. Now, we do not have translators who can translate from Kinya-Rwanda direct into English. It has to go from Kinya-Rwanda into French and then into English. This is a practical problem that has to be addressed from a management point of view. If we are to complete the mandate as the representatives expect us to, then we need both extrajudicial capacity and the resources to make it work.

We bear in mind that, as the representative of the United Kingdom has pointed out, reform measures are a continuing process, and we will continue to address them. At the moment, for instance, the judges are dealing with several motions with regard to judicial notice. If we can reach a stage where we can take judicial notice of widespread and systematic killings, for instance, or that genocide took place over the whole of Rwanda, that will narrow the issues. That is something we are working on.

I would rather not enter into such questions as the transfer of the Tribunal headquarters to Kigali and the cooperation of the Rwandan Government after our mandate is fulfilled, because of the limits of my own profession and the fact that these are political issues. Suffice it to say that fair trials have to be perceived as fair, and there is some concern about the security situation in Rwanda. This has been expressed by defence counsel.

The representative of Norway referred to the information and outreach programmes that have been put in place and asked what the prospects are for their further development. At the moment, the information office set up by the International Criminal Tribunal for Rwanda (ICTR) functions in Kigali alone. We need to expand this programme so that it reaches the rural areas in the whole of Rwanda. We are working on this, and we could do much more if we received the level of outreach funds that the International Criminal Tribunal for the former Yugoslavia (ICTY) has reached by way of donations. A welcome sign, however, is that the Government of the Netherlands has committed itself to helping us set up a video link between the ICTY and the ICTR, and between the ICTR and the Office of the Prosecutor in Kigali, as well as this information centre. That would enable the Tribunal to spread its information work much farther.

In conclusion, I would like to say that the judges of the ICTR and our new Registrar, Mr. Dieng, are committed to making a very firm effort to ensure that the ad litem reform is used to the fullest extent.

The President: I now give the floor to the Chief Prosecutor, Ms. Del Ponte.

Ms. Del Ponte *(spoke in French)*: I will be very brief. I also want to express thanks for the comments that have been addressed to me. I must say that I agree completely with some of them. As for others, I have some doubts, but this is not the right time to discuss them.

I would like to say a few words on the situation of the International Criminal Tribunal for Rwanda. One hundred and thirty-six investigations means 136 suspects under investigation. Some doubt has been expressed as to whether these are major perpetrators. I will give you the information that we have from the Government of Rwanda; it has placed on its official list of first-class category perpetrators of genocide 2,899 persons: planners, organizers and supervisors. This means that, according to the Government of Rwanda itself, there are over 2,800 in the category of persons highly responsible, whereas on our own list there are 136. Of course some of them have died; in the case of others, we will be unable to get the necessary evidence; and still others have disappeared. Thus we will have even fewer indictments — perhaps some 100.

As far as the transfer of cases to a national Tribunal is concerned, there is a problem with Rwanda, as I said. Rwanda still has the death penalty, so it is impossible to transfer these cases there, even without considering that Rwanda has 2,899 persons accused of genocide who need to be brought to trial and cannot go through the *gachacha* system. Of course, even if the information on proceedings could be transferred to Rwanda, most of the persons accused are not in Rwanda — they are abroad. Thus the problem of extradition to Rwanda arises.

With regard to a transfer of the Tribunal to Kigali, this measure is being pressed, but a motion has not yet been presented. However, could begin by at least holding hearings there to facilitate access to testimony, so that witnesses who cannot travel to Arusha could be heard in Kigali. There were problems in arranging for a hall, which have been resolved. But that is certainly the right direction. It would be very positive if the Tribunal could be transferred to Kigali for the last years of its activities.

As for the International Criminal Tribunal for the former Yugoslavia and the division of labour between the Tribunal and local jurisdictions, of course this presupposes a certain number of preconditions, which unfortunately have not yet been met — for instance, the protection of witnesses; the independence of these Tribunals — whether Trial Chambers or Appeals Courts; and, in general, the process of reform in the local judiciary apparatus. I think it is up to the international community to encourage the development of an independent justice system in the former Yugoslavia. As I see it, this is a prospect for the future, but it is a future that, with your support, may be the near future.

I would like to recall that our investigations do not concern those who merely carried out orders. I have provided a list of 108 suspects. We have estimated that, on average, over 8,000 — I repeat, 8,000 persons — committed crimes that fall under our jurisdiction in the former Yugoslavia. Out of 8,000 suspects, we are confining our activity to 108. Truly, I believe that follows the mandate given to us by the resolution. The suspects under investigation have been essential links in the committing of these crimes of war, genocide and crimes against humanity.

The President: The debate that we have had this morning clearly indicates the importance which members of the Council attach to the work and operations of the Tribunals — the International Criminal Tribunal for Rwanda and the International Criminal Tribunal for the former Yugoslavia. On behalf of the members of the Council, I wish to thank the Presidents and Chief Prosecutors of the Tribunals for their contribution to the work and deliberation of the Council on this very important subject.

There are no further speakers on my list. The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 1.20 p.m.

United Nations S/PV.4430

Security Council

Fifty-sixth year

Provisional

4430th meeting

Tuesday, 27 November 2001, 3.30 p.m.
New York

President:	Miss Durrant	(Jamaica)
Members:	Bangladesh	Mr. Chowdhury
	China	Mr. Shen Guofang
	Colombia	Mr. Franco
	France	Mr. Levitte
	Ireland	Mr. Corr
	Mali	Mr. Touré
	Mauritius	Mr. Gokool
	Norway	Mr. Kolby
	Russian Federation	Mr. Lavrov
	Singapore	Mr. Mahbubani
	Tunisia	Mr. Jerandi
	Ukraine	Mr. Kulyk
	United Kingdom of Great Britain and Northern Ireland	Mr. Eldon
	United States of America	Mr. Cunningham

Agenda

Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999) and 1244 (1999).

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-178.

01-65988 (E)

The meeting was called to order at 3.40 p.m.

Adoption of the agenda

The agenda was adopted.

Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999) and 1244 (1999)

The President: I should like to inform the Council that I have received letters from the representatives of Belgium and the Federal Republic of Yugoslavia in which they request to be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite those representatives to participate in the discussion, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Šahović (Federal Republic of Yugoslavia) took a seat at the Council table; Mr. De Loecker (Belgium) took the seat reserved for him at the side of the Council Chamber.

The President: In accordance with the understanding reached in the Council's prior consultations and in the absence of objection, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Hédi Annabi, Assistant Secretary-General for Peacekeeping Operations.

There being no objection, it is so decided.

I invite Mr. Annabi to take a seat at the Council table.

The Security Council will now resume its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

The Security Council will now hear a briefing by Mr. Hédi Annabi, Assistant Secretary-General for Peacekeeping Operations.

I give the floor to Mr. Annabi.

Mr. Annabi: I am pleased to provide members of the Security Council with an update on the developments in Kosovo since the Special Representative of the Secretary-General, Mr. Haekkerup, briefed the Council last month. Members of the Council will also recall that, on 19 November, we provided a briefing on the partial results of the elections for the Kosovo Assembly. My briefing today will focus on the major developments leading up to the elections for the Kosovo Assembly, which were held on 17 November, including the signing of the common document, the election itself and the impending establishment of provisional self-government.

I shall first speak about the lead-up to the elections. The period leading up to the elections was relatively calm and free of violence. All parties, including the Kosovo Serb Return Coalition — albeit at the last minute — carried out rallies throughout Kosovo in a peaceful manner and largely adhered to the electoral rules. Infringements that went to the Election Complaints and Appeals Subcommission were relatively minor in nature and all were adjudicated in a timely manner.

The total number of eligible voters for the Kosovo Assembly elections was 1,250,318 — representing 1,108,787 in Kosovo, 105,159 in Serbia and Montenegro and 36,372 by mail. The United Nations Interim Administration Mission in Kosovo (UNMIK) estimates that around 150,000 of the eligible voters were Kosovo Serbs. More than 1,300 candidates from 26 political parties contested the elections, including 60 from the Kosovo Serb Return Coalition, whose candidates were certified by the Central Election Commission on 15 November.

As the Council may recall, a common document was signed by UNMIK and the authorities of the Federal Republic of Yugoslavia on 5 November, the text of which has been made available informally to members of the Council. The aim of the common document was twofold: first, to provide the Yugoslav authorities with an authoritative list of measures that UNMIK had already taken, or was taking, to assist the Kosovo Serb community in order to make it easier to encourage Kosovo Serb participation in the 17 November elections; and, secondly, to provide a solid basis for a future cooperative relationship with the authorities of the Federal Republic of Yugoslavia. It was the signing of that document that made it possible, in large part, for the Kosovo Serb Return Coalition to decide to participate in the elections and to provide its list of candidates.

Before agreement was reached on the final details, both the Yugoslav and Serbian Governments and President Koštunica announced, on 3 November, the decision to endorse the participation of Kosovo Serbs in the elections. At the same time, it was agreed that a memorandum of understanding would be signed with the respective commissariats for refugees, enabling UNMIK's third pillar — which, as the Council knows, is led by the Organization for Security and Cooperation in Europe — to carry out the technical preparations for the elections in Serbia and Montenegro in conjunction with its implementing partner, the International Organization for Migration.

Since then the Contact Group on Missing Persons has completed a protocol on the exchange of forensic experts and expertise, and work is also continuing on all aspects covered by the common document, including security and efforts to ensure the transfer of Kosovo Albanian detainees held in Serbian prisons.

I will now move to the election itself. The Assembly election went very smoothly, leading the Council of Europe Election Observation Mission to conclude in its final report, "The whole election process was conducted in an efficient, democratic manner, largely free from intimidation and violence."

An encouraging factor was the level of domestic observation and participation in the electoral process by the Kosovars. There were 13,286 local observers from all communities, as well as several hundred observers from the Belgrade-based Centre for Free Elections and Democracy; they monitored both the ballot and the count. Members of all communities have also assisted in the counting of the ballots. A little-known fact is that one of the largest multi-ethnic initiatives to date is the Counting Centre team, which comprises 600 national staff from all communities.

The overall turnout was 64.3 per cent of Kosovo's 1.25 million registered voters. Based on the location of the polling stations, UNMIK estimates that the turnout in primarily Kosovo Albanian areas was about 65 per cent and that the turnout in non-Albanian areas was about 46 per cent. Kosovo Serb participation was patchy, with a higher turnout in the enclaves than in northern Mitrovica, due in part to an intimidation campaign in northern Kosovo led by those Kosovo Serbs who were against participation. Kosovo Serbs turned out in significantly higher numbers in both Serbia and Montenegro, where turnouts were assessed at 57 per cent and 56 per cent respectively. Given that the decision to participate was taken rather late and that UNMIK's institution-building pillar had only 12 days to prepare for elections in Serbia and Montenegro, this is considered to be a good result.

Mr. Haekkerup certified the results of the vote on 24 November. The final results are as follows: Mr. Rugova's Democratic League of Kosovo (LDK) received 45.65 per cent, representing 359,851 votes; Mr. Thaci's Democratic Party of Kosovo (PDK) received 25.7 per cent, representing 202,622 votes; in third place, the Return Coalition with 11.34 per cent, representing 89,388 votes; followed by Mr. Haradinaj's Alliance for the Future of Kosovo (AAK) with 7.83 per cent, representing 61,688 votes.

Seven smaller political parties, including three from the minority communities, received enough votes to obtain one seat each in the Assembly. These are the Vatan Coalition, a coalition of Bosniaks and Gorani; the National Movement for the Liberation of Kosovo (LKCK); the Turkish People's Party of Kosovo (KDTP); the Christian Democratic Party of Kosovo (PSHDK); the Justice Party (PD); the People's Movement of Kosovo (LPK); and the New Democratic Initiative of Kosovo (IRDK), which is a new Egyptian political party.

On the basis of these results, 14 parties will be represented in the Assembly, 11 through direct elections and 3 with set-aside seats. The seat allocation will be as follows: the LDK — 47 seats; the PDK — 26 seats; the Return Coalition — 22 seats, which include, as members of the Council will recall, the 10 seats set aside for the Kosovo Serb community in the Constitutional Framework; the AAK — 8 seats; VATAN — 4 seats, including 3 set-aside seats; the Turkish People's Party of Kosovo — 3 seats, including 2 set aside; the Ashkali Albanian Democratic Party — 2 set-aside seats; the New Democratic Initiative of Kosovo — 2 seats, including 1 set-aside; the National Movement for the Liberation of Kosovo — 1 seat; the People's Movement of Kosovo (LPK); the Justice Party — 1 seat; the Christian Democratic Party of Kosovo — 1 seat; and 1 set-aside each for the United Roma Party of Kosovo (PREBK) and the Bosniak Party of Democratic Action of Kosovo (BSDAK).

I would like now to give a brief outline of the next steps that UNMIK is contemplating. UNMIK now has to make sure that provisional self-government

becomes a reality, with all that this entails, including setting up Ministries, establishing a functioning local civil service and providing services for the incoming Assembly, including security for certain Assembly members.

The inaugural session of the Assembly is scheduled to be held on 10 December. Its first task will be to elect the presidency of the Assembly and the President of Kosovo, who will subsequently propose a candidate for Prime Minister.

It is clear from the results that no party will be able to govern alone, since 61 seats in the Assembly are required for a majority. Now that the results have been certified, negotiations have begun on coalition-building. All sorts of combinations of coalitions are being speculated about. It seems likely, however, that the LDK will be part of whatever coalition emerges.

In conclusion, UNMIK and we are satisfied, of course, with the way the whole election process in Kosovo has unfolded. This applies to the violence-free campaign, to the complex preparations that went into ensuring their smooth conduct and to the all-inclusive nature of the elections, which we believe will provide a solid basis for the institutions of provisional self-government that will now be established in accordance with Security Council resolution 1244 (1999).

It is also gratifying that members of the minority communities turned out in significant numbers, contrary to what had happened during the municipal elections last year. Their elected representatives must now take up their rightful place in the provisional institutions and work together to show all communities that participation in the democratic process can yield tangible results.

The impending establishment of provisional self-government will be a major step forward. As Mr. Haekkerup outlined to the Council last month, UNMIK is working to ensure that the transfer of authority will be as smooth as possible, while UNMIK will retain, of course, an advisory and monitoring capacity in those areas handed over to the provisional self-government. The onus is now largely on the incoming Kosovo administration to make provisional self-government work, to show that democracy can work and to show that it is possible to bridge the inter-communal divide.

The President: Let me thank Mr. Annabi for his briefing.

Mr. Touré (Mali) *(spoke in French)*: First of all, I would like to thank the Assistant Secretary-General, Mr. Hédi Annabi, for the very useful information he has shared with us about the ballot organized on 17 November 2001 in Kosovo, by which the province provided itself with democratic institutions. It is clear that this vote, designed to elect the Kosovar parliament, gave all the communities of Kosovo the chance to build a truly democratic, multi-ethnic and prosperous society.

My delegation welcomes the successful holding of the elections, the high level of participation — 63 per cent — and the mobilization of the minority communities, which met expectations. The positive climate in which the elections took place shows that Kosovo is evolving in the right direction to overcome the traumas of the recent past. The entry of the Serb community in the political life of Kosovo, with nearly 11 per cent of the vote, is a very positive sign that shows that the Serbs wish to take part in the development of Kosovo.

In this regard, we are glad to be able to salute the maturity and sense of responsibility that the people of Kosovo have shown in the holding of the legislative elections, which without question were a decisive turning point in the democratic evolution of the province. The delegation of Mali hopes that the new institutions that have thus been created will promote reconciliation between the Serbs and the Albanian-speaking population by encouraging the members of the two communities to work together. We invite the new Kosovar administration to concentrate on reconstructing the economy, combating crime and raising the standard of living while strictly abiding by the constitutional framework of the provisional self-government.

Finally, we believe that the time has come for placing the interests of Kosovo above those of the political parties. From this perspective, Security Council resolution 1244 (1999) should continue to be the main thread of all policies on Kosovo.

Mr. Shen Guofang (China) (*spoke in Chinese*): At the outset, I would like to thank the Assistant Secretary-General, Mr. Annabi, for his briefing.

The Chinese delegation wishes to express its satisfaction at the smooth carrying out of the elections in Kosovo as scheduled. These elections are an important step in the peace process in Kosovo. We commend the Government of the Federal Republic of

Yugoslavia for its efforts to encourage the Serbs to participate in the elections. We also wish to commend the United Nations Interim Administration Mission in Kosovo (UNMIK) and the Organization for Security and Cooperation in Europe (OSCE) for their efforts in monitoring and preparing for the elections. We are looking forward to the elected assembly playing its due role.

In our view, the main question that Kosovo now faces is whether the leaders of the various ethnic groups can put past enmities behind, set aside their differences, establish a broad coalition Government that represents the interests of all the ethnic groups, ensure the ethnic diversity of Kosovo and the stability of the communities, and discuss together a broad future plan for the development of Kosovo. We hope that the elected leaders of the various ethnic groups can take stock of the overall situation, effectively carry out their functions under the leadership of the Special Representative of the Secretary-General, work to establish trust between the communities, bring about national reconciliation and lay the foundations for the economic revitalization of Kosovo and the long-term stability of that region.

At the same time, UNMIK should make further efforts in combating crime, improving the security environment in Kosovo, promoting national reconciliation, establishing mutual trust and assuring the safe return of refugees and continue to strengthen cooperation and coordination with the authorities of the Federal Republic of Yugoslavia.

The peace in the former Yugoslav Republic of Macedonia is still very fragile. The situation in Kosovo still directly affects peace and stability in Macedonia and the whole Balkan region. UNMIK still needs to carry out effective measures to curb the illegal flow of arms on the Kosovo-Macedonian border and cut off the source of arms for the illegal armed groups. In this respect also, the elected leaders of Kosovo should assume their responsibilities.

Mr. Jerandi (Tunisia) (*spoke in French*): I would like to thank Mr. Hédi Annabi for his excellent statement on recent developments in Kosovo.

My delegation would like to begin by congratulating the people of Kosovo on the success of the elections. The holding of the elections in an atmosphere of healthy rivalry and fair competition is encouraging in many ways. The participation by all parties, including minority ones, and the absence of violence that characterized the overall process allows us to be optimistic about the future of Kosovo, and offers, in our view, a real opportunity for reconciliation and multi-ethnic peaceful coexistence for all people in the province. Now it is up to the Kosovars themselves to seize this opportunity, to translate it into deeds and to benefit politically, economically and socially from this new reality.

We think the elections are an important stage in the implementation of Security Council resolution 1244 (1999). It will also make it possible to set up the democratic institutions of self-government in accordance with the provisional constitutional framework set up, in agreement with the parties, by the United Nations Interim Administration Mission in Kosovo (UNMIK).

We congratulate the newly elected members of the legislature in Kosovo, which enjoys wide, indisputable legitimacy from the polls. The turnout of 63 per cent shows that the people of Kosovo want to build a prosperous and multi-ethnic future for all inhabitants in the province. In this regard, we hope to see the new chamber work for greater harmony among the various ethnic groups of the society in Kosovo. The first role that this assembly must assume is to bring about a meeting of the minds, reduce differences and do away with the enclaves that continue to hinder the process of reconciliation. The participation of the minorities in the elections, particularly the Serb minority, should be echoed by the majority and should allow them to be fully involved in public life in Kosovo.

My delegation notes with satisfaction — and I am sure that you, Madam President, are pleased — that 34 women were elected to the legislative assembly. The presence of women is particularly important in that it means that women will now be shouldering a important part of the responsibility for building a better future for the children of Kosovo.

My delegation welcomes the work done by the United Nations Interim Administration Mission in Kosovo in preparing for and holding the elections. Once again, our Organization has demonstrated that it is fully capable of managing difficult situations. Following the United Nations success in organizing elections in East Timor, it has now demonstrated its success in holding the elections in Kosovo. The

Organization for Security and Cooperation in Europe, NATO and other international organizations on the ground have, for their part, made important efforts to ensure the success of the operation.

In conclusion, I would like to pay tribute to Mr. Haekkerup, Special Representative of the Secretary-General and head of UNMIK, and all of his team for their excellent work in preparing for the elections and for the promising results that were obtained.

Mr. Franco (Colombia) (*spoke in Spanish*): I would like to welcome Mr. Annabi and thank him for the information he has given us at this meeting. I should also like to take this opportunity to send a message of congratulations to all of the officials of the United Nations Interim Administration Mission in Kosovo (UNMIK), KFOR and the Organization for Security and Cooperation in Europe (OSCE) for the excellent work that they did on 17 November on the general elections. Thanks to this work, and particularly to the determination of the people of Kosovo openly to express their support for the creation of democratic institutions, the international community today has higher hopes for the future of Kosovo.

The results of the elections demonstrate the commitment of the population to moving forward on a democratic path and within the parameters established in the Security Council's resolutions and by the Constitutional Framework adopted a few months ago. The road will not be easy. Obstacles and differences will emerge to complicate the process, not only for the leaders who will have to overcome them, but also for the voters, who will have to remain actively present in order to ensure that their expectations are met.

For Colombia, it is important to know that this entire process can count on the leadership of the Special Representative of the Secretary-General, Mr. Haekkerup, which provides a guarantee of success in the face of great challenges, as was demonstrated in earlier phases.

The results of the 17 November elections have raised some challenges. First, the international community, through the United Nations Interim Administration Mission in Kosovo (UNMIK) and KFOR, must ensure compliance with resolution 1244 (1999) and the Constitutional Framework. This will require it to take a firm stance vis-à-vis any possible violations of provisions of those two documents and to demonstrate flexibility with respect to the application and implementation of those provisions. It is important for the international community gradually to grant greater freedom to those who will lead the new institutions so as to guarantee that the emerging democratic structure will be deeply rooted and not depend on the supervision of third parties over its functions in the future.

Secondly, the commitment of elected leaders and the population at large is to achieving a multi-ethnic Kosovo. This means that, although KFOR remains responsible for ensuring the security of minorities, it is the obligation and responsibility of all to ensure that their rights are respected. Now more than ever, we must see a proactive attitude on the part of the leaders to that effect. We cannot continue to tolerate the discrimination targeted daily against minority groups or the functioning of parallel administrative structures. All citizens of Kosovo must commit themselves to working with UNMIK and KFOR to build a truly pluralistic society.

Thirdly, the elected leaders must abandon their own agendas and begin to work to create solid institutions that can lay the foundations of an increasingly autonomous Government, as stipulated in resolution 1244 (1999). It is still far too early to think about the final status of the province. Focusing our efforts on that will only weaken the emerging democratic process and dash people's hopes.

Fourthly, relations between Belgrade and the new Government of Kosovo are essential, as the elected leaders must understand. Accordingly, we recommend that UNMIK continue to strengthen those relations, as it has done recently.

Fifthly, the representatives of the minorities face a great challenge in promoting their opinions and defending the interests of the population they represent. This road will not be easy and it is therefore important that they remain faithful to their ideals and that they can rely on the support of the international community in bringing those ideals to fruition.

We wish once again to congratulate all the people of Kosovo on the democratic example they have set for the international community. We invite them to continue along this path.

Mr. Mahbubani (Singapore): We, too, would like to thank Mr. Hédi Annabi for his comprehensive briefing. We also want to join our colleagues in

congratulating the Special Representative of the Secretary-General, Mr. Haekkerup, the United Nations Interim Administration Mission in Kosovo (UNMIK) and the Organization for Security and Cooperation in Europe (OSCE) on the successful conduct of the Kosovo-wide elections. They were relatively free of violence and vote-tampering.

However, while the elections saw a credible 64 per cent participation rate across all ethnic communities, it is notable that there was apparently a reduction in the voting of the ethnic Albanians. I do not know whether Mr. Annabi can explain to us if there is a specific reason for that.

Also noteworthy is that only 46 per cent of the entire Serb community voted. This figure would have been even lower had not President Koštunica and the Governments of the Federal Republic of Yugoslavia and Serbia encouraged the Kosovo Serbs to vote. We would like to thank them for doing their part. At the same time, precisely because of this, what the low-level ethnic Serb participation also shows is that not all the necessary conditions were fully in place for their full participation. Perhaps the security and freedom of movement of ethnic Serbs in Kosovo and the return of Serb refugees could be improved. We hope that UNMIK, KFOR and the ethnic Albanian leaders will work harder to improve these conditions.

The aim must be to ensure substantial ethnic Serb participation in the self-governing institutions in Kosovo. As I think was mentioned by Ambassador Franco a few minutes ago, we have to create a multi-ethnic Kosovo. The problem we face, of course, is that the social fabric of Kosovo, as we all know, has been damaged. There seems to be more separation and partition than integration. The question is whether or not we can do something about this.

With the elections over, a significant stage has been reached in the implementation of resolution 1244 (1999). We acknowledge that much more needs to be done before UNMIK and KFOR can be said to have fulfilled their mandates under the resolution. We further recognize that UNMIK and KFOR have to stay until Kosovo is out of the woods, so to speak — that is, until it cannot slip back into another conflict. This is the essence of peace-building, and not whether or not an entity gains independence. In fact, the final stage of UNMIK's responsibilities under resolution 1244 (1999) is to oversee

> "the transfer of authority from Kosovo's provisional institutions to institutions established under a political settlement". (*res. 1244 (1999), para. 11 (f)*)

Of course, the problem we have in the case of Kosovo — and this is a great handicap — is that we still have no idea what the final political settlement will look like. It may therefore be timely for the Security Council to take a long-term view of the Kosovo issue and to see whether or not we can define a clear exit strategy for Kosovo.

Indeed, some Council members have stressed the need to apply the presidential note (S/2001/905) on the question of "No exit without strategy", and we agree that Kosovo is as good a test case as any. Indeed, in paragraph 3 of the presidential note, the Security Council agreed that it was essential that clear direction should be given and milestones established that support a comprehensive and integrated approach to peace-building, where peace-building is appropriate, as well as the operation's exit strategy.

Now that Kosovo has crossed one major hurdle, it would perhaps be useful for the Council to be briefed at some point by the Department of Peacekeeping Operations and by UNMIK on their initial thinking on the peace-building and exit strategies for Kosovo, specifically on the next steps in gradually downsizing and finally withdrawing the international presence, on the benchmarks, and on how long each step will take.

The first of these steps is actually very clear, and I am glad that Mr. Annabi spoke about the next steps. It is clear that, here, one of UNMIK's responsibilities is to arrange for the transfer of its administrative responsibilities while overseeing and supporting the consolidation of Kosovo's local provisional institutions, along with other peace-building activities. In a pertinent list of recommendations in its report on Kosovo's landmark election, the International Crisis Group stated that

> "UNMIK should allow the new self-governing institutions as free a rein as possible to govern within the parameters laid down in the Constitutional Framework. The institutions should have the opportunity to learn by their mistakes and to grow in responsibility and effectiveness."

We heard Mr. Annabi say that that is what is going to be done, and we are pleased that there is movement in that direction. But it is also important to bear in mind that this is not merely a case of transferring administrative responsibility; it is also a case of allowing the local population to involve itself in more decision-making. We believe that this can change the political chemistry and can stabilize the situation in Kosovo even further.

We also note that, in resolution 1244 (1999), the Council decided that UNMIK should facilitate "political process designed to determine Kosovo's future status, taking into account the Rambouillet accords" (*para. 11 (e)*). That is one of the final-status provisions in the resolution. However, while those accords call for the convening of an international meeting three years after the entry into force of the accords to determine the mechanism for a final settlement for Kosovo on the basis of the will of the people, resolution 1244 (1999) was silent on that. I wonder whether anyone has given any thought to when such an international meeting will be convened.

One reason for us to focus on this is that, as we all know, immediately after the elections, Ibrahim Rugova, the leader of the Democratic League of Kosovo (LDK), which won the most seats in the Kosovo Assembly, reiterated his call for independence for Kosovo. If a rough time frame for the final settlement for Kosovo is not set, some problems could worsen. Hence, the International Crisis Group, in the same report from which I quoted earlier, stated the following:

> "it is unrealistic to expect Kosovo Albanian leaders or voters to shelve the one overriding issue that really matters to them. ... [The] newly elected officials will be unlikely to accept for long the straitjacket imposed by the unelected international administration. Albanian anger over UNMIK's agreement with Belgrade to obtain support for Serb participation, added to impatience with the slow progress towards independence, may be a precursor to more strained relations between UNMIK and the Albanian parties after the election."

Clearly, we do not want to see an unhappy result after the elections, and we should give some thought to how to prevent such an unhappy event.

Let me stress here that we are not calling for any kind of premature exit from Kosovo of the international presence. We are cognizant of the dangers that that would entail for the stability of Kosovo and of the region. We have stated many times that the eventual termination of the international presence must be gradual and carefully structured to bolster, not undermine, the painstaking progress that has been achieved. Indeed, to quote the presidential note on "No exit without strategy" again,

> "The Security Council agrees that a major criterion for the Council's decision on the scaling down or withdrawal of a peacekeeping operation is the successful completion of its mandate, resulting in the establishment of a requisite political and security environment conducive to durable peace and/or a follow-on post-conflict peace-building process". (*S/2001/905, para. 6*)

That applies to Kosovo as much as it applies to other issues before the Council.

Since we have spoken quite a bit about the exit strategy dimension, we wanted to cite some remarks made in our 15 November 2000 debate on that subject. One of the most thoughtful interventions was made by Ambassador Jean-David Levitte — I am sorry he has left the Chamber. I would like to quote something he said then:

> "[The] Security Council has established some important, even decisive, operations — I am thinking of Kosovo and Timor in particular — and it must be able to terminate them without risking the future of the peoples concerned". (*S/PV.4223, p. 6*)

And he went on to observe that "Persistence is often a key element of success" (*p. 7*).

However, in our view, as with all peacekeeping operations, the Security Council must be clear about what the conditions are for the scaling down and withdrawal of the international presence and when those conditions have been met. In the November 2000 debate, Ambassador Levitte referred to the United Nations Mission in the Central African Republic, and he said that

> "the Group of Friends established a series of criteria, benchmarks to assess the Mission's performance.... Even if these criteria were imperfectly met, they provided both a road map

> describing the objectives for durable stabilization of the situation, and a kind of tracking board making it possible to assess the results and adjust the operation's duration and mandate" (*p. 7*).

Ambassador Levitte concluded his statement in that debate by saying that

> "the very image of the United Nations depends on our capacity to successfully manage exit strategies for peacekeeping operations, which our Council is mandated to lead to success" (*p. 8*).

We completely agree with the sentiments expressed by Ambassador Levitte in that debate, and we hope that they will be applied systematically to all the operations in which the United Nations is involved.

Mr. Lavrov (Russian Federation) (*spoke in Russian*): I am grateful to the Assistant Secretary-General for Peacekeeping Operations, Mr. Hédi Annabi, for his briefing.

We are following closely developments in the political situation in Kosovo following the Kosovo-wide elections of 17 November. Unfortunately, we have to say that, at this stage, the task of turning Kosovo into a democratic, multi-ethnic society is still essentially seen as being of secondary importance in the programmes of the main Kosovo Albanian parties, which as a result of the elections now have a legitimate basis on which to exercise a decisive influence on the political life of the province. All those parties continue to say that their main objective is the swift attainment of independence for Kosovo.

Hence, we cannot simply wait for democracy to arise automatically in Kosovo. The November elections, and indeed last year's municipal elections, simply confirmed that. Ethnic discrimination continues in Kosovo, and as in the past this has ramifications of extremism and terrorism that extend into neighbouring countries. Moreover, crime is on the rise. The United Nations Interim Administration Mission in Kosovo (UNMIK) and the Kosovo Force (KFOR) must focus their attention on this issue.

As a positive matter, we note that there was a fairly high level of participation in the elections by the Serb population, both those who remained in the province and those who were forced to leave in the wake of the ethnic cleansing carried out by Albanian extremists. We view that Serb participation in the elections as an indication of their determination to participate more actively in the political life of Kosovo and, through legitimate means, to restore the multi-ethnic nature of the province, ensuring that it develops along a truly democratic path as a part of Yugoslavia.

Primary responsibility for further progress towards a settlement in the province lies with the international presences, primarily the United Nations Mission there, which will have to fulfil its obligations under the common document of the Federal Republic of Yugoslavia and UNMIK, in accordance with resolution 1244 (1999).

We also think that the time has come to look at the situation in Kosovo in a more sober manner, through the prism of what the international presences will have to focus its future activities on: ensuring genuine security there; creating conditions for the return of refugees and displaced persons; finding out what happened to those who were abducted and to the missing; and ensuring access to the basic services of any civilized society — education, healthcare, culture, information — for all inhabitants of the province, regardless of their national or religious origins.

There is also a new problem that UNMIK and KFOR cannot ignore. We drew attention to a media report that Ibrahim Rugova, just a few days ago, said that he intended to deliver to the Security Council information on preparations in Kosovo by terrorists, including Chechen terrorists. There are also suspicions that those terrorists had contact with persons related to Osama bin Laden. In this connection, we would note that the International Tribunal for the Former Yugoslavia has so far not begun any investigation of members of the so-called Kosovo Liberation Army, who committed crimes against Serbs inside Kosovo after the deployment there of the international presence in June 1999.

We do not exclude either the possibility that many former terrorists may try to join the Kosovo-wide institutions currently being created. It is the direct responsibility of UNMIK to ensure that this does not happen. Resolution 1244 (1999) directly prohibits participation in the political life of Kosovo on the part of those who have been involved in terrorist activities. Before the 17 November elections, the leadership of UNMIK confirmed that they were not aware of the presence of any terrorists in Kosovo, but that they were willing to investigate any possible indications of such presence. Such information has now appeared, and we

expect UNMIK to discharge its responsibilities by doing what it said it would.

Today — and before 17 November — the priority task is to establish constructive interaction between the international presences, the Yugoslav authorities and the representatives of the Kosovo people in the new, elected institutions of the province. Holding the elections was not the end, but only the beginning, of the serious work of building a democratic and multi-ethnic Kosovo in strict accordance with resolution 1244 (1999), including respect for the sovereignty of the Federal Republic of Yugoslavia.

We believe this is how the situation is regarded by the leadership of the United Nations Secretariat, UNMIK and KFOR.

Mr. Chowdhury (Bangladesh): Special thanks are owed to Mr. Hédi Annabi for updating us on the elections. We also appreciate his briefing us on the post-election scenario.

We are pleased that the long-awaited elections for forming a provisional self-government in Kosovo have taken place on schedule. We are also happy that this has happened without any untoward incident. Politically motivated violence in the run-up to the elections was minimal, as were incidents on election day. These are indications of the success of the difficult task that was given the United Nations Interim Administration Mission in Kosovo (UNMIK). We applaud them, as we do Mr. Hans Haekkerup, the Special Representative of the Secretary-General.

The minority communities in Kosovo have considered these elections important. For that reason they turned out in significant numbers for the voting. The participation of Kosovar Serbs was an expression of the importance they attached to the mandate of the provisional self-government. This is a significant advance on the earlier boycott by the Serbs of the municipal elections last year. There is an obvious realization on the part of the minority communities that a democratically elected, pluralist government is the only way to secure a better future. We see this as a welcome development. UNMIK has undertaken laudable efforts in reaching out to Kosovo Serbs, particularly those living outside Kosovo. They raised awareness among them of the electoral system and the importance of ethnic representation in the new Assembly, and have encouraged their participation in both the registration process and the elections themselves. UNMIK has also worked to demonstrate to the Kosovo minority communities the benefits to be derived through engagement in community life and in the electoral process. Obviously, these endeavours have paid off — a fact reflected in the Serb participation.

This is a major milestone for Kosovo in its march towards peace. The democratic process began with the holding of municipal elections last year. A representative government with broad participation of all ethnic communities and based on greater tolerance and mutual accommodation of different ethnic entities is the only option for a peaceful future in Kosovo. UNMIK took a number of important steps to ensure security in the pre-election phase. These measures will continue to be important in the post-election period as well. Some time will be needed for a stable institutional structure to emerge. It is important that vigilance be maintained to avoid violence and to allow the structure to take firm root.

A major responsibility devolves on the community leaders in Kosovo, particularly on those from the major ethnic communities, to forcefully voice their support for the process and to refrain from any kind of violence. A number of difficulties still lie in their path. These can be resolved only through a constructive engagement of all ethnic communities in a way that protects the interests of all. The guidelines established by resolution 1244 (1999) should be foremost in these inter-communal dialogues. This is an important point we wish to flag.

The Kosovar political leadership should bear in mind that peace in Kosovo, as well as in the greater region, hinges upon tolerance and the mutual accommodation of different ethnic entities. Despite some progress in this regard, mistrust is still widespread and ethnically-targeted violence still active.

We would encourage UNMIK and the Kosovar leadership to support the civil society organizations, including women and non-governmental organizations, in creating what we seek: a state of harmony and diversity. The only practical way to go is to significantly improve the environment so that all communities feel safe and secure. This will lay the foundation of a truly multi-ethnic Kosovo and help build a structure of peace and stability in a society that has suffered much and long.

Mr. Gokool (Mauritius): I join all the delegations in thanking Mr. Hédi Annabi for his very useful

briefing. We have noted with satisfaction the large turnout of voters for the elections and the efficient manner in which the whole process was conducted. My delegation pays tribute Mr. Hans Haekkerup for his excellent coordinating role with other organizations for the smooth running of the elections in Kosovo. We also commend all the men and women of KFOR and the United Nations Interim Administration Mission in Kosovo (UNMIK) for their contribution.

We also need to congratulate the people of Kosovo on their commitment to democratic norms. The large-scale participation of the minority communities, despite the intimidation campaigns in some areas of Kosovo, has demonstrated the Kosovars' determination in shaping the future of their province. We are confident that the elected representatives will work together in the institutions of the provisional self-government to bring stability and economic and social reconstruction to Kosovo. We hope that the legislative Assembly of Kosovo will soon start its session to tackle the huge tasks that lie ahead of it.

My delegation feels it is necessary to remind the elected political leaders of their responsibilities to respect fully all provisions of resolution 1244 (1999), in particular the final status provisions. Any attempt to change the status of Kosovo would go against the commitments made under the relevant Security Council resolutions and other agreements, the most recent one signed in Belgrade earlier this month.

The provisional self-government of Kosovo will not function effectively without the participation of all minority communities. It is therefore incumbent on the elected representatives to work together, creating conditions for a peaceful and normal life for all inhabitants of Kosovo. We hope that the momentum that has been created during the voting period will be maintained to consolidate the smooth transition to provisional self-government.

My delegation calls on all those who fled their homes during the crisis to return to the province. In the same vein, we urge political leaders to create the necessary conditions for the safe return of displaced persons and refugees to their homes in Kosovo. UNMIK and KFOR should therefore continue to ensure the safety of all citizens of Kosovo, especially in the Mitrovica region, where the situation remains very fragile. For these people to return to their homes, there is a need for reconstruction of key infrastructures. We call on UNMIK to enhance the efforts of its economic reconstruction pillar to complete work already started to this end. We commend the donors in their efforts and encourage them to continue supporting the reconstruction programmes.

Finally, my delegation believes that it is now up to the people of Kosovo, especially the minority communities, to show their determination to participate in the public life of Kosovo.

Mr. Kulyk (Ukraine): I would like to thank Assistant Secretary-General Annabi for his lucid briefing.

Allow me to take this opportunity to pay tribute to the outstanding efforts of the men and women of the United Nations Interim Administration Mission in Kosovo (UNMIK), who, together with other representatives of the international community in the province, helped make the news, reported by Mr. Annabi, good and encouraging. My delegation commends the important activities of the authorities of the Federal Republic of Yugoslavia, the Organization for Security and Cooperation in Europe and KFOR, which have ensured a peaceful and secure environment.

The situation in Kosovo and the results of the parliamentary elections in the region were a matter of close attention in my country. I wish to quote the statement of the Ministry of Foreign Affairs of Ukraine, which conveys the essence of our reaction to the Kosovo-wide elections.

> "Ukraine welcomes the parliamentary elections in Kosovo, Federal Republic of Yugoslavia, held on 17 November 2001.
>
> "Ukraine highly appreciates the calm and businesslike atmosphere of the elections, as well as the participation in the voting of representatives of the national minorities of the province, which was promoted by the constructive approach of the leadership of the Federal Republic of Yugoslavia.
>
> "The Ministry of Foreign Affairs of Ukraine expresses hope that the development of democratic institutions that will be established upon the results of the elections will pave the way for the normalization of the situation in Kosovo.
>
> "We believe it will also promote a constructive dialogue between the social and

political forces of the province on the basis of the preservation of the territorial integrity of Yugoslavia, in accordance with Security Council resolution 1244 (1999), which should eventually lead to the strengthening of a multi-ethnic and democratic Kosovo within the Federal Republic of Yugoslavia, as well as to peace and stability in the Balkans".

In addition to this, I would like to make a few points.

The Kosovo-wide elections of 17 November demonstrated the growing political maturity of the population, which, in the first place, seeks the way to a normal life.

Now the Kosovo leaders should assume major responsibility for the future political, economic and social life of the province, while exercising their authority in strict adherence to Security Council resolution 1244 (1999) and the Constitutional Framework for Provisional Self-Government.

Undoubtedly, these elections should be considered the beginning of a difficult road that should lead to a new, democratic and multi-ethnic Kosovo. On this road, the new administration could be challenged by the dangerous temptations of political euphoria, geopolitical "creativity" and illusions, which could provoke irrelevant statements and unconsidered decisions.

The major problem for Kosovo is the challenge of coexistence. My delegation believes that the political wisdom of the elected political forces will help prevent negative developments. What is really needed today is to focus efforts on the urgent issues on the Kosovo agenda. There is an urgent need to strengthen and further develop close and cooperative ties with the authorities of the Federal Republic of Yugoslavia. We also call upon the elected Kosovo leaders to pay special attention to the displaced persons and to ensure their freedom of movement and return.

For centuries the history of the Kosovo and Metohija region has been one of political, military and cultural clashes, emotional turmoil and human despair. Now it fully depends on Albanians and Serbs, Bosniacs and Turks, Romas and Ashkalis, whether the lessons learned will become the treasure of the future or the burden of the past. We hope that the democratic tendencies in Kosovo will give the necessary and encouraging regional message. A stable and prosperous Balkans as an integral part of the European orchestra can be built only through the democratic means of dialogue and inter-ethnic tolerance.

Ms. D'Achon (France) (*spoke in French*): First I wish to thank Mr. Hédi Annabi for his briefing on recent developments and new prospects in Kosovo. The representative of Belgium will speak on behalf of the European Union at this meeting. France, of course, associates itself unreservedly with that statement; I will limit myself to some specific comments.

The elections of 17 November in Kosovo were a success. They were a success for the Special Representative of the Secretary-General, the United Nations Interim Administration Mission in Kosovo (UNMIK), the Organization for Security and Cooperation in Europe (OSCE) and KFOR, whose joint action made it possible for the election to take place in exemplary circumstances. Security was ensured. The organization was remarkable. Evidence of this was the voting of displaced persons in Serbia and Montenegro, which was able to be prepared in less than two weeks, thanks to the effective contribution of the OSCE. Moreover, the painstaking efforts of UNMIK since last spring were able to convince the Kosovars of the importance of the stakes associated with these elections.

But this success belongs primarily to the Kosovars themselves, regardless of ethnic origin. They went together to vote in numbers, peacefully and responsibly, to choose the representatives of the Kosovo Assembly, in accordance with the provisions of the Constitutional Framework for Provisional Self-Government. In so doing, they made it possible for an important step to be taken in implementing resolution 1244 (1999).

Now we must bring all of this to fruition. Through the institutions that will be put in place following the elections, all segments of the population will have to work to construct a democratic, pluralistic and prosperous Kosovo.

In the coming weeks, the Kosovo Assembly will get down to work. A President of Kosovo will be elected, and a Government will be installed. The Kosovo authorities who were elected will be responsible for bringing to life the institutions of provisional self-government in compliance with resolution 1244 (1999) and the Constitutional

Framework. The powers conferred on them are very broad, particularly with regard to the daily administration of Kosovo. They must get down to the task of management, with the aim of improving the daily life of all Kosovars. We would like to congratulate them on their election and to wish them success in discharging their mandate. Under the aegis of the Special Representative of the Secretary-General, the elected officials must exercise scrupulously the powers vested in them and abide by the provisions of the Constitutional Framework.

The wide participation of the population on election day must be followed by active participation of all segments of Kosovar society in the life of the institutions established by UNMIK. I am thinking particularly of members of the Serb community. In response to the appeals of the Yugoslav authorities and the international community, they went in large numbers to participate in the election and to take their proper place in the Kosovar Assembly. This outcome should encourage the support of all Serb political authorities for the institutions of Kosovo, particularly at the municipal level.

Dialogue and reconciliation must be the key words in the Kosovo of tomorrow. This means that the Government, the Assembly and the Kosovar political authorities all must abide by the customary rules of democratic debate between the majority and the minority. In more general terms, it means that the members of the institutions of self-government, through their statements and their actions, must ensure that all of Kosovo's inhabitants feel at home there. Particular attention should be given to security and the question of the return of members of the Serb community. It would be good if the newly elected authorities expressed themselves clearly and without delay in support of the process of return and actively supported the efforts of the Special Representative to ensure that it is a success.

Moreover, we must deepen dialogue with the Yugoslav authorities. This has been stipulated in resolution 1244 (1999) and the common document signed on 5 November by Mr. Haekkerup and Mr. Ović. The development of dialogue and, beyond that, pragmatic cooperation between UNMIK, the newly elected authorities and the Yugoslav authorities on matters of common concern also serve the well-understood interests of all Kosovars.

Mr. Corr (Ireland): Ireland would also like to express its appreciation to Mr. Annabi for his very helpful briefing this afternoon, particularly his assessment of the elections of 17 November and the next steps to be undertaken. Ireland, of course, agrees fully with the European Union statement which will be delivered later by Belgium.

My delegation welcomes the peaceful and orderly manner in which the elections were held on 17 November, as well as the significant participation of all communities. We believe that these elections mark an important step in the implementation of resolution 1244 (1999) and in the development of a democratic society in Kosovo, based on respect for human rights and the rule of law.

The participation of all communities was essential to ensure wide and effective representation in the institutions of provisional self-government. We join others in commending very warmly the United Nations Secretariat, Special Representative Haekkerup and everyone in the United Nations Interim Administration Mission in Kosovo (UNMIK) for their excellent work in ensuring the success of the elections. This was a task well done. We also appreciate the efforts of KFOR and the Organization for Security and Cooperation in Europe, and consider that the elections provided an excellent example of inter-institutional cooperation.

The support of the Belgrade authorities and of President Koštunica was important in encouraging many in the Serbian community to vote, and we very much welcome this. We hope that the participation of all minorities in the election will help to facilitate a new phase of cooperation and prepare the ground for the development of a tolerant and multi-ethnic society which safeguards the interests of all communities. It is important that the Serb-controlled areas in the north of Kosovo be integrated into the new framework so that all representatives can focus on representing their communities through constructive participation in the new institutions. This will require close coordination between the Serb community, UNMIK, KFOR and Belgrade.

We hope that all sides will approach with sensitivity and wisdom the negotiations regarding the future coalition and the President. Whatever the outcome of these negotiations, elected leaders will have to assume major responsibilities for the political, economic, social and cultural life of the province. They

must display a responsible attitude vis-à-vis its future status, which includes refraining from making unhelpful public statements. We believe strongly that their new authority must be exercised in strict compliance with resolution 1244 (1999) and with the Constitutional Framework. The provisional institutions should focus immediately on important issues — tangible results, as Mr. Annabi said earlier — such as developing the economy and tackling ongoing crime, and we consider that the training of local administrative staff should be a priority.

Ireland encourages the Special Representative and UNMIK to continue their efforts to implement resolution 1244 (1999) and to make further progress in their work in relation to the important issues of security, justice, refugee returns and missing persons. Ireland is particularly concerned that work in relation to political prisoners, as outlined in the common document of 5 November 2001, should be concluded as rapidly as possible. The newly elected authorities should cooperate fully with UNMIK and engage constructively with the Belgrade authorities, in accordance with the common document.

We believe that the successful development of Kosovo will help to ensure peace and stability in South-Eastern Europe. Along with its partners in the European Union, Ireland will continue to support greater regional cooperation and European integration through the Stability Pact and the Stabilization and Association Process.

Mr. Eldon (United Kingdom): First, I should like to associate myself with the statement which will be made later on in this debate by the representative of Belgium on behalf of the European Union.

The United Kingdom welcomes the successful and peaceful Kosovo Assembly elections on 17 November. We also welcome the participation in significant numbers of all of Kosovo's ethnic communities in the elections. The elections were a landmark in Kosovo's development as a multi-ethnic, democratic and tolerant society. Congratulations are due to Hans Haekkerup and the United Nations Interim Administration Mission in Kosovo (UNMIK), to the Organization for Security and Cooperation in Europe and to KFOR for helping to make the elections possible.

However, congratulations must be given most of all to the people of Kosovo. As Ambassador Corr just indicated, it is now up to Kosovo's politicians to take responsibility for governing Kosovo. This will be a significant challenge, but as far as the United Kingdom is concerned, we will do all we possibly can to help them succeed. As part of this, it is essential that all ethnic communities put aside their differences and work together for the sake of Kosovo's future.

The agreement on the UNMIK/Federal Republic of Yugoslavia common document on 5 November was also a significant step, both for Kosovo and for the region. Again, we congratulate Mr. Haekkerup, President Koštunica and Deputy Prime Minister Ćović on this achievement.

We are very much looking forward to the first meeting of the high-ranking working group including representatives of the newly elected institutions. It is clearly important that that particular relationship develop well and soundly, since improved Belgrade-Pristina links are critically important both for regional stability and for economic development. We look to Belgrade, UNMIK and the new provisional institutions to ensure that rapid progress is made in all of the important areas identified in the common document.

But the biggest brake on Kosovo's development as a democratic society is the regional scourge of extremism and organized crime. Kosovo's leaders must do what they can to terminate this threat. As we have said in earlier statements in the Council, combating this challenge must continue to be a top priority for UNMIK, building on the existing progress made.

Mr. Kolby (Norway): I would like to thank Mr. Annabi for his briefing, and to convey my Government's appreciation for the work of the Secretary-General and his Special Representative in Kosovo, Mr. Hans Haekkerup.

Norway welcomes the fact that the provincial Assembly elections in Kosovo were conducted in an orderly and largely peaceful manner. We are grateful to the women and men of the Organization for Security and Cooperation in Europe (OSCE), the United Nations Interim Administration Mission in Kosovo (UNMIK) and KFOR for the organization of these elections. They reaffirm the international community's commitment to the full implementation of resolution 1244 (1999) and the Constitutional Framework for Provisional Self-Government in Kosovo.

We note that the overall election turnout percentage was somewhat low, especially considering the high turnout at last year's election and the importance of the elections on 17 November for creating meaningful self-government. But, at the same time, a higher number of voters actually went to the polls this year. Election day was also calmer than it was last year.

We were quite encouraged by the overall participation of minorities in the elections, including by the fact that about half of the 170,000 registered Kosovo Serbs eventually turned out to vote. We agree with Mr. Annabi about the importance of the UNMIK/Federal Republic of Yugoslavia common document in achieving that. Norway also commends the efforts of UNMIK and the OSCE in this regard. The leadership in Belgrade and Mr. Ović deserve credit for their role in promoting the participation of Kosovo Serbs.

The election campaign was, unfortunately, not completely free from incidents of intimidation and violence, which were directed mainly at ethnic minorities. There were fewer such incidents than last year, but there can now be no tolerance of ethnic and political violence in Kosovo.

The unsatisfactory situation regarding security and freedom of movement for non-Albanians in Kosovo is obviously one of the reasons why many Kosovo Serbs decided not to vote on election day. It is also a main reason why the number of internally displaced persons returning to Kosovo has so far been limited.

An immediate priority for the newly elected Assembly must now be to ensure a peaceful and normal life for all citizens of Kosovo. The success of the new Assembly will largely be measured by its willingness and ability to improve security and to encourage the return of all internally displaced persons to Kosovo, in accordance with resolution 1244 (1999). Only then can Kosovo have a truly democratic and multi-ethnic society.

Administrative authority will now be gradually transferred to the institutions of self-government. We stress the elected representatives' responsibility for ensuring the continued professionalism and efficiency of its administration.

The Assembly must work closely with UNMIK and the Special Representative of the Secretary-General to demonstrate its legitimacy to the people of Kosovo. We also expect the representatives to show the will to work across political and ethnic lines. Cooperation, compromise and reconciliation among all parties is needed to strengthen democracy in Kosovo. Increasing the role of women is also crucial. Like Ambassador Durrant, we welcome the results of the elections in that regard.

We must also ensure that UNMIK is able to fulfil its remaining core responsibilities efficiently and decisively. At the same time, its size and organization should reflect the gradual transfer of authority to the provisional institutions.

Ensuring the rule of law is fundamental for promoting democracy and human rights. Norway will continue to support efforts to build a democratic civil society in Kosovo. This includes the training of local police. We urge that more be done to recruit police cadets from the Kosovo Serb and other minority communities.

The ultimate success of these elections will depend on the implementation of resolution 1244 (1999). This will require close cooperation between the Assembly and UNMIK. With regard to final status, we reiterate that a future decision can be made only after consultations with all involved parties, and in the light of the developments in Kosovo, in the Federal Republic of Yugoslavia and in the region.

Mr. Rosenblatt (United States): We also would like to thank Mr. Annabi for his briefing, and to congratulate the Special Representative, Mr. Hans Haekkerup, and the Head of the Organization for Security and Cooperation in Europe Mission in Kosovo, Mr. Daan Everts, on their success in organizing Kosovo's first general elections. By all accounts, the voting was free and fair and generally devoid of the violence that has plagued the region during the last decade. We are encouraged that Kosovo Serbs and other minorities opted to participate in choosing their Government.

This is not a moment for long speeches about what has been done up to now. The United States has repeatedly expressed its strong support for Special Representative Haekkerup's unceasing efforts to implement resolution 1244 (1999). In many respects, the results of the elections are a testimony to his

success. He has established a framework for democratic and multi-ethnic governance consistent with resolution 1244 (1999). He has improved security, enhanced the rule of law and laid the foundation for a constructive relationship between the United Nations Interim Administration Mission in Kosovo and the Government of the Federal Republic of Yugoslavia, which played a constructive role in encouraging full participation in the voting on 17 November.

We welcome the efforts of the Coordination Centre and of the Yugoslav and Serbian Governments to help ensure that Kosovo Serbs are represented by competent leaders committed to the multi-ethnic democratic model set forth by this Council. There is no room in Kosovo's future for those from any ethnic group who would support violence and criminality or work in any way to undermine the rule of law and the will of the people. Today we should direct our remarks to the people of Kosovo, who should be congratulated, and to their elected leaders, who face the challenge of delivering good governance.

Prosperity will not be sustainable without difficult economic reforms and strict respect for transparency and the rule of law. Declarations on Kosovo's future status are not the answer. The Council and the Special Representative of the Secretary-General have established the rules of the game and expressed their unwavering support for resolution 1244 (1999) in its entirety.

We call on the new Government to rise to the challenge before it and to work constructively with all people of Kosovo to build a secure, democratic and prosperous future for all its residents.

The President: I shall now make a statement in my capacity as representative of Jamaica.

Let me express my delegation's appreciation to Assistant Secretary-General Hédi Annabi for his briefing. We also wish to pay tribute to the Special Representative of the Secretary-General, Hans Haekkerup, for the leadership he provided to the electoral process in Kosovo and to the tireless efforts of the men and women of the United Nations Interim Administration Mission in Kosovo (UNMIK) and KFOR. UNMIK's work in Kosovo over the past two years has charted a course from what seemed to be insurmountable challenges to widespread progress throughout the territory.

At the beginning of last year, the main concern of the Council was the security situation and violence against minority groups. Peaceful coexistence seemed an insurmountable challenge. Work on the judicial system and law enforcement initiatives had just begun. A large number of refugees could not return to their homes. UNMIK has worked tirelessly to improve the situation in Kosovo, and the Security Council missions to Kosovo in April 2000 and in June of this year gave the Council an opportunity to witness the progress and to provide valuable input.

We have seen significant changes in the security situation, from a territory where ethnic strife prevailed and on which an arms embargo had been imposed to one in which elections could be held without incident in an atmosphere of calm and in which border crossings and weapons controls have been put in place.

We have also witnessed steady progress in the development of law enforcement and in the return of refugees. Improvements have also been made with regard to missing persons and towards reconciliation. We were therefore gratified that this progress culminated in the successful holding of elections in Kosovo on 17 November, and we are pleased that the elections were conducted in an atmosphere that was relatively calm and free of violence.

We are also pleased that there was significant participation of the minority communities, including Kosovo Serbs residing within and outside of Kosovo. We have always stressed the importance of the participation of all communities in the governance of Kosovo in order to create viable democratic institutions. We appreciate the attention given to ensuring the participation of minority communities and the response to the appeals made by the Security Council, the Federal Republic of Yugoslavia and Serbian authorities.

We take this opportunity to congratulate the Democratic League of Kosovo on obtaining a majority of the votes and welcome the creation of a new representative assembly, made up of 14 parties and which will include the 22 seats that will be allocated to the Return Coalition.

We are optimistic that a strong foundation has been created for a viable and sustainable system of government, and we encourage all the parties in the assembly to work together in a spirit of cooperation and compromise within a multi-ethnic framework.

Following the success of the elections and the progress made so far in implementing resolution 1244 (1999), we can now look forward to the formation of the government and to the further transfer of authority to the people of Kosovo.

The role of the United Nations in Kosovo is elaborated in resolution 1244 (1999). This resolution also makes provision for substantial autonomy and meaningful self-administration, and we emphasize that there must be strict adherence to its provisions. As Mr. Annabi reminded us, UNMIK now has to make sure that provisional self-government becomes a reality, and the international community must therefore continue to support UNMIK's efforts to promote peace, reconciliation and stability and to create viable democratic institutions.

Our focus must return to unresolved issues that demand our attention, including those relating to refugees, displaced persons and detainees, the security situation in Mitrovica and the overall law and order situation in Kosovo. We also need to increase efforts to create a viable and sustainable economy in Kosovo. We remain concerned about these issues and urge all involved to continue to work diligently to achieve a lasting solution. We agree with the Ambassador of Bangladesh, who pointed out that civil society, including women's groups, must be an integral part of this process.

UNMIK has made good progress on the implementation of initiatives that would provide greater protection for minority communities and facilitate the return of refugees and internally displaced persons. Work must continue on the creation of a safe and secure environment, with an acceptable level of freedom of movement for returnees. UNMIK's efforts to improve law and order and to reduce crime and violence are crucial to the return process and to the overall stability of Kosovo. We therefore appreciate the attention being given to tackling organized crime and to streamlining police and judicial institutions.

My delegation is particularly encouraged by the improvement in relations between UNMIK and the authorities of the Federal Republic of Yugoslavia. This close collaboration proved important to the election process and contributed to the high level of Serb participation. We must now build on this momentum to ensure widespread Serb participation in the institutions of self-government and in future elections in Kosovo. We have maintained that only through dialogue can obstacles to the improvement of relations with Serbia and the advancement of reconciliation in Kosovo be overcome. The benefits of frequent dialogue with the authorities of the Federal Republic of Yugoslavia are now clearly evident and should continue to be facilitated. We are hopeful that the signing of the common document on 5 November will indeed provide a solid basis for a cooperative relationship between UNMIK and the authorities of the Federal Republic of Yugoslavia and contribute to stability in South-Eastern Europe.

This morning the Security Council was briefed by the Presidents and Prosecutor of the International Tribunals for Yugoslavia and Rwanda. We welcome the progress being made in the International Criminal Tribunal for the former Yugoslavia and the impact that this process can have on reconciliation efforts in Kosovo, and we wish to stress the importance of providing adequate resources for its work.

In conclusion, let me congratulate the people of Kosovo for the important steps that they have taken this month. We assure them of our continued support and commitment as they seek to improve their quality of life and overcome the challenges of creating a multi-ethnic society.

I now resume my functions as President of the Council.

The next speaker inscribed on my list is the representative of Belgium, whom I invite to take a seat at the Council table and to make his statement.

Mr. De Loecker (Belgium) *(spoke in French)*: I have the honour to speak on behalf of the European Union. The countries of Central and Eastern Europe associated with the European Union — Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia — and the associated countries Cyprus, Malta and Turkey, as well as Liechtenstein, European Free Trade Association member country of the European Economic Area, align themselves with this statement.

Above all, let me first thank Assistant Secretary-General Hédi Annabi for reporting to us on the latest developments on the situation in Kosovo. For several months now, the attention and energy of the international community have been directed at a major development in the implementation of resolution 1244

(1999) — namely, the elections in Kosovo on 17 November 2001.

The European Union is pleased at the peaceful and orderly manner in which the elections took place and at the level of participation by the voters. This is a decisive step in the democratic development of Kosovo and a sign for the region as a whole that peace is won at the ballot box — not at gunpoint.

We warmly congratulate all the candidates and political parties on their results in the elections. The elected candidates of Kosovo will now have to assume their considerable responsibilities in the political, economic, social and cultural fields. The European Union calls upon them to exercise their new authority with wisdom and responsibility, in scrupulous compliance with resolution 1244 (1999) and within the constitutional framework for provisional autonomy. It falls to them, among other things, to ensure the prosperous and stable development of their province, while respecting and safeguarding the interests of all the communities without exception. In this task, they will have the support and assistance of the European Union.

The Council has on many occasions been witness to our appeals to all the communities to take part in these elections. It is therefore with great satisfaction that we have noted the turnout of all the constituent elements of Kosovo society in the elections. That participation is an essential condition for ensuring their appropriate and effective representation in the new, democratically elected provisional institutions. The turnout of the Serb community of Kosovo, but also the participation of those Serbs who voted from Serbia and Montenegro, is significant. We expect them all to play an active part in the work of the new institutions.

This turnout for the elections makes the coalition of Kosovo Serbs the third largest group in the new assembly. Such plurality of representation is turning that assembly into the foundation for future cooperation between all the ethnic groups in the provisional institutions and augurs well for the development of a multi-ethnic, tolerant and prosperous society. In this regard, we should like to reassure the Belgrade authorities, and President Koštunica in particular, of our appreciation for the appeal they made to the Serb community in Kosovo to take part in the ballot.

We also welcome the signing of a joint document between Belgrade and the United Nations Interim Administration Mission in Kosovo (UNMIK) concerning cooperation in matters of common interest that the elected authorities of Kosovo are called upon to develop with the Mission and the Belgrade authorities. With the support of that agreement, the formation of the new assembly and the provisional institutions will now enable us to look ahead and to build a multi-ethnic Kosovo on a firm foundation in the context of resolution 1244 (1999) and the constitutional framework for provisional autonomy.

The questions of security, the return of refugees and displaced persons (IDPs) and the search for missing persons must also be resolved as quickly as possible. Concerning the returns, some progress has been achieved recently, but should be done, and done better. Moreover, the improvement of the security conditions is as indispensable for increased returns as for the full participation of all communities in the new institutions. The international community should continue to focus its attention on this question.

Finally, the authorities elected on 17 November should ensure a harmonious and democratic development of the province for the benefit of all communities of Kosovo but also of the stability of the entire region of South-Eastern Europe. This development should be consistent with the principle of regional ownership following an approach that, thanks to the concomitant action of the Stability Pact and the stabilization and association process, should promote regional cooperation and allow South-Eastern Europe to move closer to the structures of the European Union.

Allow me to end my statement by congratulating those who have made these elections a success, above all the population of Kosovo, but also the Special Representative of the Secretary-General, Mr Hans Haekkerup; all the UNMIK staff; the staff of the Organization for Security and Cooperation in Europe; and those who have contributed, either directly or indirectly, to the organization of that important day.

Mr. Šahović (Federal Republic of Yugoslavia): At the outset, I would like to thank Assistant Secretary-General, Mr. Annabi, for his detailed briefing.

My Government considers the 17 November elections in Kosovo and Metohija a very important event in the process of implementation of Security Council resolution 1244 (1999), which will lead the

province to a multi-ethnic society in which equal rights will be enjoyed by all. We are satisfied that the elections, in spite of the prevailing grave situation, took place in a manner that can be generally characterized as peaceful and orderly. The clear signals of the international community that violence would not be tolerated as a method for achieving political goals, together with the engagement of the United Nations Interim Administration Mission in Kosovo (UNMIK) and KFOR, contributed to such an outcome.

The Federal Republic of Yugoslavia, for its part, has made a significant contribution to the satisfactory conclusion of the electoral process, both in the preparatory phase, including registration, and during the actual elections. As a result, the Serbian community in Kosovo and Metohija and the internally displaced persons accepted the call of President Koštunica and the Yugoslav and Serbian Governments to vote. Members of the Council are well aware that this was not a simple call to make. The decision of the members of the Serbian community from the province to participate was not easy either.

Such a decision would not have been possible without the common document signed by the Federal Republic of Yugoslavia and UNMIK on 5 November this year. This document is important not only as a comprehensive catalogue of the problems that need to be addressed through permanent and intensive dialogue among all concerned but, perhaps even more, as a framework of future concrete cooperation between the Federal Republic of Yugoslavia and UNMIK.

Now, in the aftermath of the elections, we should not forget the extremely difficult conditions that Serbs and other non-Albanians have been facing over the past years and that, regrettably, they continue to face as we speak. As the Council has repeatedly confirmed, the security situation of non-Albanians in Kosovo and Metohija is highly unsatisfactory. Violence and intimidation continue. Just a few days ago, on 22 November, we witnessed yet another terrorist attack on Serbs in the village Obilić. An innocent elderly woman was killed instantaneously. Her husband was seriously wounded. Throughout Kosovo and Metohija, there is still little or no freedom of movement for Serbs. Fewer than 100 of 250,000 internally displaced persons have been able to return in the two and a half years since the arrival of UNMIK and KFOR. The fate of more than 1,300 missing persons is still unknown. There is discrimination against minorities in the judiciary. Property is continuously being usurped.

In spite of all these adverse conditions and the many dilemmas stemming from them, the Serbian community has shown its willingness to participate in the intricate process of articulating the future of Kosovo and Metohija through the provisional institutions of self-government. Joint efforts by and equitable treatment of representatives of all ethnic communities in these institutions should provide a basis to address and begin to gradually resolve the numerous problems the province is currently experiencing. That would be the best way to demonstrate that peace, democracy, freedom and orientation towards Europe are realistic objectives for all ethnic groups and their political representatives in Kosovo and Metohija.

We are all aware that the November elections represent the beginning of a new phase in creating a future for Kosovo and Metohija — a phase, we hope, that will be characterized by constructive efforts on all sides to bring, first, security and political stability and, then, democracy and prosperity to the province. It is clear that these were not elections meant to solve the final status of Kosovo and Metohija. The Security Council and the international community as a whole have repeatedly emphasized the necessity of the full respect of resolution 1244 (1999), which guarantees the sovereignty and territorial integrity of the Federal Republic of Yugoslavia. This resolution continues to be the sole basis for the consideration of the future status of Kosovo and Metohija.

Regrettably, before the official election results were even known, some of the local Albanian politicians called on the international community to recognize the independence of Kosovo and Metohija. We consider this to be, to say the least, counterproductive. In the present fragile situation, restraint needs to be exercised, particularly by those who will hold high office in the provisional institutions of self-government. It is not cheap propaganda that is needed now, but constructive efforts by all to make the provisional institutions of self-government credible, efficient and effective. It should be clearly understood that the elected representatives in Kosovo and Metohija are actually facing a test of their political maturity. They have an enormous responsibility to prove that democratic forces are taking over from the forces of violence and destruction.

We therefore expect the Security Council, as well as the United Nations Administration in Kosovo and Metohija, to ensure that the newly elected leadership takes no steps to dash renewed hopes for viable multi-ethnicity in that troubled area. In this context, let me reiterate that we highly appreciate the engagement of the Security Council in these past months, from the June visit to Belgrade and Pristina to the October and November presidential statements. We also hope that such an approach will be maintained.

For our part, I would once again like to underline the commitment of my Government to working closely with UNMIK, the Security Council and the international community as a whole on creating a peaceful, multi-ethnic Kosovo and Metohija as an important precondition for achieving overall stability in the region.

The President: I call on Assistant Secretary-General Annabi to respond to the comments made and questions raised.

Mr. Annabi: I should like to point out first to Council members that we have a couple of fact-sheets on the results of the elections, which contain useful statistics and which we will be happy to make available to members who may wish to have it.

I will also be happy to convey to Mr. Haekkerup the words of appreciation expressed around this table today for his work and the work of his colleagues on the ground in the preparation and successful conduct of the elections.

I think that there was only one specific question. Ambassador Mahbubani of Singapore asked whether there was an explanation for the reduction in the number of those voting within the ethnic Albanian community. The participation of the Albanian community in the voting was around 65 per cent, as I indicated, which is somewhat lower than the participation in the municipal elections last year, but is still of course a very respectable percentage and higher than what we see in a number of countries whose democratic credentials are well established. The overall number of voters was also significantly higher than last year. We had 1,250,000 this year, as opposed to just under or around 1 million voters last year.

Having said that, the United Nations Interim Administration Mission in Kosovo (UNMIK) believes that the lower percentage in the participation of the ethnic Albanian community in the recent elections can be accounted for in part by the fact that a number of Kosovo Albanians returned to register for the elections during the summer, but then did not come back to vote in November. There are, of course, probably other reasons for the somewhat lower turnout, but I think that what is important is the fact that all communities participated in the voting in the recent elections. That lends credibility to the electoral process itself and to the efforts of UNMIK and the international community to establish real and sustainable institutions for provisional self-government, which is, of course, a major objective under resolution 1244 (1999).

The elections themselves were not an end in themselves, but an important milestone in the process of establishing these provisional institutions, which, if it is to be sustainable, is a process that will require time and further efforts by UNMIK and the international community.

The President: There are no further speakers inscribed on my list. The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 5.35 p.m.

United Nations S/PV.4431

Security Council

Fifty-sixth year

Provisional

4431st meeting

Thursday, 29 November 2001, 3.30 p.m.

New York

President:	Miss Durrant	(Jamaica)
Members:	Bangladesh	Mr. Ahsan
	China	Mr. Wang Yingfan
	Colombia	Mr. Franco
	France	Mr. Levitte
	Ireland	Mr. Ryan
	Mali	Mr. Ouane
	Mauritius	Mr. Gokool
	Norway	Mr. Kolby
	Russian Federation	Mr. Lavrov
	Singapore	Mr. Mahbubani
	Tunisia	Mr. Mejdoub
	Ukraine	Mr. Krokhmal
	United Kingdom of Great Britain and Northern Ireland	Mr. Eldon
	United States of America	Mr. Negroponte

Agenda

The situation between Iraq and Kuwait

Report of the Secretary-General pursuant to paragraph 5 of resolution 1360 (2001) (S/2001/1089).

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-178.

01-66681 (E)

The meeting was called to order at 3.30 p.m.

Adoption of the agenda

The agenda was adopted.

The situation between Iraq and Kuwait

Report of the Secretary-General pursuant to paragraph 5 of resolution 1360 (2001) (S/2001/1089)

The President: The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them the report of the Secretary-General pursuant to paragraph 5 of resolution 1360 (2001), document S/2001/1089.

Members of the Council also have before them document S/2001/1123, which contains the text of a draft resolution prepared in the course of the Council's prior consultations.

I should like to draw the attention of the members of the Council to the following oral revision to be made to the text of the draft resolution contained in document S/2001/1123 in its provisional form. In operative paragraph 2, the last sentence should read, "implementation beginning on 30 May 2002".

It is my understanding that the Council is ready to proceed to the vote on the draft resolution before it, as orally revised in its provisional form. Unless I hear any objection, I shall put the draft resolution to the vote now.

There being no objection, it is so decided.

A vote was taken by show of hands.

In favour:

Bangladesh, China, Colombia, France, Ireland, Jamaica, Mali, Mauritius, Norway, Russian Federation, Singapore, Tunisia, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America

The President: There were 15 votes in favour. The draft resolution has been adopted unanimously as resolution 1382 (2001).

The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The Security Council will remain seized of the matter.

The meeting rose at 3.35 p.m.